

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20444 of 2019

Arising Out of PS. Case No.-640 Year-2018 Thana- KHAGARIA District- Khagaria

1. Md Mustak Son of Md. Masleuddin, Resident of Village- Kutubpur, P.S.- Muffasil, District- Khagaria.
2. Md. Dildar @ Md. Dilawar, Son of Md. Majloom, Resident of Village- Kutubpur, P.S.- Muffasil, District- Khagaria.
3. Md. Babar Son of Md. Nezam, Resident of Village- Kutubpur, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 342, 386, 387, 120B, 504 and 379/34 of the IPC.

The prosecution case, as per the written report of Md. Ubesh, submitted to the Khagaria Station House Officer, 20.09.2018 Police Station, is to the effect that the informant, being a property dealer took Rs. 30,000/- from co-accused Md. Raju for getting the documents with regard to a land issued from Registry office, but the neither the informant got any document issued from the registry office nor the informant returned the



money. Subsequently, all the accused persons including the petitioners took the informant to a mango orchard, abused him, confined him in a room, took away his mobile phone and documents and demanded Rs. 50,000/- as extortion.

It is submitted by learned counsel for the petitioners that for the alleged occurrence of 17.09.2018, the FIR has been lodged on 20.09.2018 and no injury has been caused to the informant. In fact, the informant took Rs. 2,50,000/- from the petitioners for getting the sale deed with regard to a piece of land executed, but the informant neither executed the land in question nor did he return the money, hence in order to save his own skin, the present case has maliciously been lodged against the petitioners by the informant. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the delayed lodging of the FIR and accusation not being corroborated by any medical opinion, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on



anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Khagaria in connection with Khagaria Muffasil P.S. Case No. 640 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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