

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27960 of 2019

Arising Out of PS. Case No.-207 Year-2017 Thana- SAUR BAZAR District- Saharsa

1. Shekhar Yadav @ Shekhar Pd. Yadav, Aged about 58 years, Male, Son of Late Kalanand Yadav, Resident of Village Paharpur, P.S. Sour Bazar, District Saharsa.
2. Satish Yadav @ Satish Prasad @ Satish Yadav, Aged about 44 years, Male, Son of Late Kalanand Yadav, Resident of Village Paharpur, P.S. Sour Bazar, District Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-04-2019 Heard both sides.

Petitioners apprehend their arrest in Sour Bazar (Patarghat O.P.) P.S. Case No.207 of 2017, registered under Sections 341, 323, 467, 468, 420, 384 and 34 of the Indian Penal Code.

The informant alleged that the petitioners at the first instance filed a case before the Deputy Collector Land Reforms for declaration that they are under *raiya*s of different plots of Khata No.187 and 188 but the Deputy Collector Land Reforms dismissed the *Bataidaari* case. The petitioners thereafter fraudulently filed a case under Section 106 of the B.T. Act before the Survey Officer and got order in their favour by



manufacturing some documents. When the informant came to know, the informant contested the case and got the case dismissed. It is further alleged that when the informant was going to look after her lands, the petitioners and others intercepted her, asked to execute the sale deed in their favour and also pay extortion of Rs.2,00,000/-.

Learned counsel for the petitioners submits that on account of land dispute, the present case has been filed making false and frivolous allegation. The question of demanding extortion is absolutely false. The informant is the wife of a former Member of Legislative Assembly and on account of which, she used her good office in order to implicate the petitioners. No offence under Section 384 or 354 of the Indian Penal Code is made out. The police gave notice to the petitioners under Section 41A of the Cr.P.C. Charge sheet has also been submitted. Now the petitioners apprehend being taken into custody on surrender as the offences under Sections 384 and 354 of the Indian Penal Code are non-bailable. On consideration of the facts, it appears that there is a land dispute between the petitioners and the informant and on account of which, the present case has been filed.

Taking into consideration the facts aforesaid, let



petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar (Patarghat O.P.) P.S. Case No.207 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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