

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33044 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- GAYA MUFASIL District- Gaya

1. RAHUL MALAKAR @ DEVSHANKAR MALAKAR @ RAHUL MALI
Son of Arjun Malakar Resident of Village - Bhadeja, P.S.- Muffasil, District - Gaya
2. Raju Paswan Son of Basant Paswan Resident of Village - Bhadeja, P.S.- Muffasil, District - Gaya
3. Brijesh Malakar @ Brajesh Kumar @ Brijesh Kumar Son of Late Sitaram Malakar @ Sitaram Resident of Village - Bhadeja, P.S.- Muffasil, District - Gaya
4. Birendra Malakar @ Birendra Mali @ Birendra Mala Son of Lakhan Malakar Resident of Village - Bhadeja, P.S.- Muffasil, District - Gaya
5. Dipu Malakar Son of Naresh Malakar Resident of Village - Bhadeja, P.S.- Muffasil, District - Gaya
6. Ranjan Paswan Son of Bilash Paswan Resident of Village - Bhadeja, P.S.- Muffasil, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 27-09-2019 At the very outset, learned counsel for the petitioner has submitted that during pendency of this application, petitioner no. 5 has been taken into custody as such this application so far petitioner no. 5 is concerned, has become infructuous and he may be permitted to withdraw the same with respect to petitioner no. 5.

Permission is accorded.



This application so far petitioner no. 5 is concerned is dismissed as withdrawn.

So far remaining petitioners are concerned, they apprehend their arrest in connection with Muffasil P.S. Case No. 04/2019 registered for offences punishable under Section 387 of the Indian Penal Code.

Allegation against the petitioners is that they stopped the construction work of the informant and demanded extortion of Rs. 20,000/- and assaulted the son of informant by lathi and danda and fled away by opening fire. It appears that except petitioner no. 3, all other petitioners are having criminal antecedent.

Submission of learned counsel for the petitioners is that petitioners have falsely been implicated in this case in the background of land dispute between the parties and no such occurrence as alleged in the F.I.R. has ever taken place and the injuries sustained by the injured were found simple in nature.

Learned counsel for the State opposed the prayer for bail and submitted that the materials have come that the petitioners used to demand extortion from the persons, who used to construct their houses in the area.

Having heard both sides, so far petitioner no. 3,



considering the facts and circumstances and also the fact that he has no criminal antecedent, as such, let petitioner no. 3 in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Muffasil P.S. Case No. 04/2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far other petitioner i.e. petitioner nos. 1, 2,4 & 6 are concerned, I am not inclined to grant the privilege of anticipatory bail to them rather they may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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