

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 12075 of 2020

Md.Ali Imran Ramz @ Ali Imran @ Victor, Gender-Male, aged about 40 years, son of Ramzan Ali, resident of village-Binarda, Police Station-Chakulia in the district of Utar Dinajpur (W.B)

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Petitioner

Versus

The State of Bihar

.....
Opposite party

Appearance

For the Petitioner/s : Mr. Ramakant Sharma, Sr., Advocate
Mr. Sunil Kumar, Adv.

For the State : Mr. Md. Mustafaq Alam , APP

For the Informant : Mr. D.K. Sinha, Sr. Adv.
Mr. Bajrangi Lal, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 03.09.2020 Heard learned Senior counsel for the petitioner, learned A.P.P for the State and learned Senior counsel for the informant through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Kishanganj P.S. Case No. 525 of 2019, registered under sections 308, 385, 387, 147, 148, 149, 427, 452, 341 and 323 of the Indian Penal Code.

As per allegation in the F.I.R, It is stated that the



petitioner, an MLA of West Bengal along with others named in the F.I.R. and 500 unknown persons forcibly entered the land of the informant, attacked and injured one Ranjeet Kumar. It is stated that the accused persons were hurling bricks, stones and the attack was carried out in a planned manner by the petitioner, an MLA and in the process they also brought down the boundary wall encircling the land of the informant. It is stated that while going they threatened that either they should transfer the land in favour of the accused persons or give Rs. 10 lacs by way of *rangdari*.

Case diary called for in the case has been received.

It is submitted by learned Senior counsel for the petitioner that no offence as alleged has been committed by the petitioner who has been falsely implicated in the case. It is submitted that while it is true that the informant owned 1.9 decimals of land, at the same time it is also true that the petitioner brought 10 decimals of land, which could be evident from Annexure-2 to the petition. It is further submitted that a purely land dispute has been given colour of a criminal case. The allegation as levelled in the F.I.R. are falsified from the fact that while 500 persons were alleged to have assaulted using bricks and stones, as per the injury report of the Ranjit Kumar, he had sustained only simple injuries.



The application for bail is opposed by learned APP for the State and learned Senior counsel for the informant.

It is submitted by learned Senior counsel for the informant that he has filed a counter affidavit in the case and learned counsel for the petitioner inspite of taking time to file a reply has chosen not to file the same as they did not have an answer to the statement made in paragraph no. 6 of the counter affidavit wherein it has categorically been averred that the land in question was duly purchased by the informant and the title with respect to the same has been confirmed right up to this Court in a second appeal being S.A.No.60 of 1997. It is further submitted that this is a gross case in which an MLA along with his supporters have not only attacked but tortured and injured various persons. It is finally submitted that so far as the reliance by learned counsel for the petitioner on the material in the case diary is concerned, the same being a supervision report would not form part of evidence collected in course of investigation. It is finally submitted that in any case of the matter, the petitioner being named in the F.I.R. and there being direct allegation against him, it is not a case for grant of anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the materials that has transpired in course of investigation, it transpires that the allegation is of the petitioner



and 500 of his supporters attacking the man of the informant who was on his land and injuring him. From the injury report which has come in course of investigation it transpires that the injured Ranjeet Kumar has suffered injuries which are opined to be simple in nature. Further from the materials enclosed with petition it transpires that the petitioner also had purchased 10 decimals of land in the same area.

In the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Kishanganj P.S. Case No. 525 of 2019, he will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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