

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15327 of 2020

Arising Out of PS. Case No.-290 Year-2019 Thana- KHAJANCHI HAT District- Purnia

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TABREJ ALAM @ MD. TABREJ ALAM Son of Late Ishaque, Resident of
Village - Sikarpur, P.S.- Kasba, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-10-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in K. Hat (Sahayak) P.S. case No. 290/2019 registered under Section 147, 148, 149, 341, 323, 307, 386, 379, 327, 504, 506 of the IPC and u/s 25(1-b) (a), 26, 35 of Arms Act.

The informant alleged that Ankit Singh @ Bittu Singh and his cousin, Vikky Singh, sent two persons to the house of informant who asked the informant to vacate the house. They also demanded ransom of Rs. 25 lacs. It is further alleged that the husband of the informant informed the police. Again on 01.05.2019 Bittu Singh, Puspesh Singh @ Binni Singh, Vikky Singh, Guddu Mian along with 15-20 criminals



entered into the house of informant and they ransacked the house. They took away cash and different articles. Bittu Singh fired. Four persons were apprehended by mohalla people and handed over to the police. The police also recovered a Scorpio vehicle, five live cartridges and four motor cycles from the place of occurrence.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. The name of petitioner figured in the case in the statement of Birendra Narayan Singh. Birendra Narayan Singh is said to have executed deed of agreement to sale the land which was in possession of Lakhan Lal Bishwash. The informant is wife of Lakhan Lal Bishwash. Nurul Khan after entering into agreement asked Lakhan Lal Bishwash to vacate the land and for that a Panchayati was also held. The petitioner and other accused persons are said to have gone to the house of informant to persuade her to vacate the house by way of Panchayati but Lakhan Lal Bishwash was not ready to vacate the house. Birendra Narain Singh further disclosed that on the date of occurrence many persons, including the petitioner, had gone to the house of the informant but no specific allegation is made against the petitioner. Similarly situated accused Shamshad Alam @ Banti has already been



granted anticipatory bail vide order passed in Cr. Misc. No. 84852/2019 and the case of the petitioner stands on same footing.

The learned APP, however, opposed the prayer for anticipatory bail.

Of course, the petitioner is not named in the FIR but it transpires that during the course of investigation Birendra Narain Singh made his statement in paragraph 37 of the case diary and he is the person who executed deed of agreement to sale in favour of Nurul Khan and thereafter Nurul Khan sent the petitioner, Lalan Jee, Afroj and Banti to persuade the husband of informant to vacate the land but the husband of the informant did not agree to vacate the land. All the four persons left the house showing anger. Later on Aniket Kumar Singh @ Vikky, Pushpesh Singh, Neeraj Kumar and others, including the petitioner, came. Lakhan Lal Bishwash did not agree to hold any Panchayati and for that some altercation took place and the accused persons are said to have taken away different articles from the house of informant after making indiscriminate firing. It appears that there is no specific allegation against the petitioner and similarly situated accused Shamshad Alam @ Banti has already been granted anticipatory bail and the case of



petitioner stands on the same footing.

Taking into consideration the facts aforesaid, I dispose of this anticipatory bail petition with a direction to the court below that if the petitioner surrenders in the court below, that is, the learned Chief Judicial Magistrate, Purnia in K. Hat (Sahayak) P.S. case No. 290/2019, within four weeks from the date of receipt of this order the learned court below shall enlarge the petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount to his own satisfaction.

With the aforesaid direction, this anticipatory bail petition is disposed of.

(Prabhat Kumar Jha, J)

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