

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16695 of 2020

Arising Out of PS. Case No.-390 Year-2019 Thana- SIWAN CITY District- Siwan

1. MUNSHI MIYAN S/o Late Fateh Hussain @ Tauhid Khan Resident of Village- Pratappur, P.S.- Hussainganj, Distt- Siwan.
2. Imran Asghar S/o Abu Asghar Resident of Mohalla- Chamra Mandi, P.S.- Siwan Town, Distt- Siwan
3. Shakil Ahmad S/o Rahman Ahmad Resident of Kagzi Mohalla, P.S.- Siwan Town, Distt- Siwan
4. Sandeep Kumar @ Munna Prasad S/o Mohan Prasad Resident of Mohalla- Dakhin Tola, P.S.- Siwan Town, Distt- Siwan
5. Nesar Ahmad S/o Safi Ahmad Resident of M.M. Colony, P.S.- Siwan Town, Distt- Siwan.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate.
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 25-11-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 387 & 427/34 of the Indian Penal Code.

The prosecution case, in nutshell, is that while the informant was at his land, all the petitioners are said to have assembled there and started threatening and demanded rangdari. Petitioner no.4 is said to have pulled out his pistol and said that



if the earlier case lodged by him will not withdrawn he will kill him. They also demolished the boundary wall of the informant. For demand of rangdari, the informant had earlier lodged Town P.S. Case No.351 of 2019.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that a proceeding under Section 144 Cr.P.C. is pending between the parties. As a matter of fact, informant is trying to forcibly grab the land, bearing Khata No.1285, Survey No.749, which belongs to the petitioner and only with an intent to harass the petitioners this false and fabricated case has been lodged against them.

Having regard to the facts and circumstances of the case, let the above named petitioners, **except** petitioner no.2-Imran Asghar, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned Chief Judicial



Magistrate, Siwan in connection with Siwan Town P.S. Case No.390 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner no.2-Imran Asghar is concerned, considering the facts and circumstances of case and particularly considering the criminal antecedents, I am not inclined to enlarge him on bail. The prayer for bail of the petitioner no.2 is hereby rejected. However, the petitioner no.2 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

