

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26320 of 2020

Arising Out of PS. Case No.-308 Year-2019 Thana- BIHPUR District- Bhagalpur

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LALTUN SHARMA Son of Late Malik Sharma Resident of Village -
Bhawanipur, P.S.- Bihpur (Bhawanipur), District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-12-2020 Heard Mr. Rohit Kumar Sharma, learned counsel for

the petitioner and Mr. Nagendra Prasad, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner apprehends arrest in connection with

Bihpur (Bhawanipur) P.S. Case No. 308 of 2019 registered for

the offences punishable under Sections 386, 387 and 447/34 of

the Indian Penal Code 1860.

The allegation as per the First Information Report is

that while the informant Uday Kumar Singh was at Delhi, he

could not visit his parental village for two years, and due to

this, the co-accused persons came in unlawful possession over

his land. It has further been alleged that on 26.7.2019 when the

informant went upon his land, the petitioner and other accused



persons demanded Rs.3,00,000/- as *rangdari* on the point of pistol and snatched Rs.11,000/- from the informant.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case in order to oust the petitioner from the land in question on which the petitioner has been given '*Bataidari right*' by actual land owner Vinay Kumar Singh, son of Kamleshwar Prasad Singh. Learned counsel further submits that as per the First Information Report the occurrence has taken place on 26.7.2019, but the First Information Report has been lodged after a considerable delay of 25 days, i.e. on 21.8.2019. Learned counsel also submits that the petitioner has got no criminal antecedent and there is no possibility that the petitioner will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate 1st, Naugachiya, Distt. Bhagalpur, in connection with Bihpur (Bhawanipur) P.S. Case No. 308 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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