

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31682 of 2020

Arising Out of PS. Case No.-141 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Binay Kumar Prasad Singh @ Binay Kumar Singh, male, aged about 75 years, S/o Late Jagatdhar Prasad Singh Resident of Village-Bijuliya, Police Station-Samho, District-Begusarai, Presently residing at Village-Ratanpur, Ward No.20, Police Station-Mufassil, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Dr. Amrendra Kumar, Advocate
For the State	:	Mr. Sunil Kumar Pandey, APP
For the Informant	:	Mr. Prabhat Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-02-2021

Heard Dr. Amrendra Kumar, learned counsel for the petitioner; Mr. Sunil Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Prabhat Kumar, learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Begusarai Muffasil PS Case No. 141 of 2020 dated 16.03.2020, instituted under Sections 448/387/506 of the Indian Penal Code.

3. The informant has alleged that the petitioner is in illegal possession of the house belonging to him for which he was asking Rs. 25,00,000/- for vacating and threat was also given to kill the son of the informant.



4. Learned counsel for the petitioner submitted that though on merits it would be clear that the informant has *mala fide* intention and has abused the process of the Court, inasmuch as, the house in which the petitioner is living was allocated to his share among four brothers and the informant is the nephew of the petitioner and his share of the land and house he has already gifted to his family members and now he is bothering the other co-sharers, including the petitioner. Learned counsel submitted that in any view of the matter, even if it is assumed that the petitioner is in illegal possession, it is a purely civil dispute and the remedy lies before the Civil Court of competent jurisdiction for eviction and/or damages, but not a criminal proceeding. It was submitted that the petitioner is a retired Professor aged about 75 years having no criminal antecedent.

5. Learned APP submitted that the allegation against the petitioner is demand of extortion and threat to kill the son of the informant.

6. Learned counsel for the informant also submitted that the petitioner had threatened to kill his son and had demanded Rs. 25,00,000/- to vacate the house belonging to the informant.

7. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Begusarai Muffasil PS Case No. 141 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further that one of the bailors shall be a close relative of the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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