

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1248 of 2021

Arising Out of PS. Case No.-381 Year-2020 Thana- MAHUA District- Vaishali

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1. Surendra Ray @ Surendra Prasad Yadav, S/o Late Dhanu Ray.
 2. Vinay Kumar, S/o Surendra Ray @ Surendra Prasad Yadav.
 3. Bipin Kumar, S/o Surendra Ray @ Surendra Prasad Yadav
- All R/o Village-Khesrahiya (Singhara Bujurg), P.S.-Mahua, District-Vaishali
at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Adv.

For the Opposite Party/s : Mr. Gauri Shanker Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 19-07-2021 Heard Mr. Narendra Kumar, the learned Advocate
for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their
arrest in connection with Mahua P.S. Case No. 381 of 2020,
dated 04.07.2020, instituted for the offences under Sections
147, 385, 387, 504 and 506 of the Indian Penal Code.

The petitioners have been made accused in this



case along with others for having demanded protection money for carrying out the construction work of a factory which is coming up over the land belonging to the informant.

The learned counsel for the petitioners has submitted that there is some dispute with respect to the transfer of a large chunk of agricultural land and the manner in which the factory is being set-up by the informant. The protest is not personal but social grounds and the accused persons have also approached the local administrative authorities for initiating a proceeding under Section 144 Cr.P.C. The petitioners are also ready for negotiations. Just to silence the petitioners and other persons who are protesting against the wrongful transfer of the land and construction of the factory without obtaining proper licenses, the present case with a demand of *rangdari* tax has been lodged. It has further been submitted that a private entrepreneur has only attempted to mislead the investigation by saying that the accused persons including the petitioners had tried to intimidate his workers.

It cannot be gainsaid that there is a dispute



amongst the farmers/the factory owner, but none of the offences as alleged in the F.I.R., it has been argued, can at all be said to have been made out from the background facts and what has been narrated in the F.I.R.

For the reasons afore-stated, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 381 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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