

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4933 of 2021

Arising Out of PS. Case No.-383 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. SERAJ ALAM, Son of Jauuad Alam Resident of Village- Badabariyarpur,
P.S.- Chhatauni, Distt- East Champaran
 2. Baldeo Chaudhry Son of Late Janak Chaudhry Resident of Village- Bankat,
P.S.- Motihari Muffasil, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 06-08-2021 Heard Mr. Rajeev Ranjan, learned advocate for

the petitioners and Mr. Lakshmi Kant Sharma, learned

APP for the State.

Mr. Rajeev Ranjan, learned advocate for the
petitioners seeks permission to withdraw this application
with respect to petitioner no. 1 as he has been arrested.

The application with respect to petitioner no. 1
is dismissed as having become infructuous.

The petitioner no. 2 seeks bail in anticipation of
his arrest in connection with Motihari Muffasil P. S. Case



No. 383 of 2020, dated 25.08.2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 354B, 379, 385, 386, 365, 427, 504 and 506 of the Indian Penal Code and Section 8 of the POCSO Act, 2012.

The accusation in the F.I.R. is that when the informant along with her mother-in-law and brother-in-law had gone to the plot of land which was in their possession, the accused persons including petitioner no. 2 came and forbade the informant and her family members of doing anything on the said plot of land. They were also reminded that in the earlier case lodged by them against the accused persons, nothing had happened. They demanded protection money for starting any construction work on the said land. The husband of the informant is also alleged to have been abducted for sometime but later because of the intervention of local police, he was released.

The learned advocate for the petitioner no. 2



has submitted that an absolutely false case has been filed against all the accused persons including petitioner no. 2.

It has been submitted that the occurrence took place on 23.08.2020 but the F.I.R. has been lodged after two days, i.e., on 25.08.2020.

Apart from this, it has been submitted that there is a land dispute between the parties and an appeal against the order of the trial court in that civil dispute is pending before a competent court of law.

The accusation of ill-treatment of female members of the house and of abducting the husband of the informant are false. Nobody appears to have been injured in the occurrence but a serious colour has sought to be given in the subject F.I.R. as against the petitioner no. 2.

The petitioner no. 1 has been granted regular bail by the court below.

Regard being had to the afore-stated facts, the



petitioner no. 2, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge cum Special Judge, POCSO, Motihari, East Champaran, in connection with Motihari Muffasil P. S. Case No. 383 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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