

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8610 of 2022

Arising Out of PS. Case No.-165 Year-2017 Thana- AHIYAPUR District- Muzaffarpur

SUBODH SAH S/o Jokhan Sah R/o village- Rusulpur Wajid, P.S.- Ahiyapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 427, 387, 307, 504, 506 of the Indian Penal Code read with Section under Section 27 of the Arms Act.

The informant alleges that he has some land registered in his name as well in the name of his wife and on some parts of the land there are buildings and some parts are under construction. It is next alleged that on 09.03.2017, the accused persons, including the petitioner, came variously armed and started destroying the semi-constructed buildings and thereafter, it is alleged that accused destroyed the centering and when the informant objected, Chandan Sah fired but missed and thereafter, petitioner assaulted informant with *lathi* and further



threatened to kill for not giving extortion of Rs. 1,00,000/- which was continuously being asked by the petitioner, it is further submitted that informant suffered loss of Rs. 30,000/- on account of destruction of the building.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that on account of land dispute, the present false F.I.R. has been instituted with an allegation that Chandan Sah fired but missed this was alleged to give serious colour to the case. Learned counsel submits that though allegation is of assaulting the informant by the petitioner with *lathi* but the F.I.R. does not disclose where he received injury and the allegation of demanding extortion of Rs. 1,00,000/- is ornamental in nature. It is next submitted from the side of the petitioner also Pankaj Kumar has instituted Ahiyapur P.S. Case No. 166 of 2017.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that the case is of the year 2017 and the present anticipation bail application has been filed in the year 2022 i.e., after 5 years of the occurrence.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ahiyapur P.S. Case No.165 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court before accepting the bail bonds of the petitioner shall verify whether any process under Section 82 Cr.P.C. has been issued against the petitioner or not, in the event if any process under Section 82 Cr.P.C. has been issued against the petitioner then the present order granting anticipatory bail to the petitioner shall not be given effect to.

(Satyavrat Verma, J)

Rishi/Gaurav-

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