

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25661 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- FATUA District- Patna

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1. Indrajeet Paswan Son Of Sri Nakul Paswan Resident Of Village- Prahalad Chak, P.S.- Fatuha, District-Patna.
 2. Amarjeet Paswan @ Amarjeet Kumar Son Of Sri Nakul Paswan Resident Of Village- Prahalad Chak, P.S.- Fatuha, District-Patna.
 3. Monu Kumar Son Of Sri Shiv Paswan Resident Of Village- Prahalad Chak, P.S.- Fatuha, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Uday Pratap Singh

Mr. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-06-2022 Heard learned counsel for the petitioners, informant and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 385, 387, 447, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioners are said to have demanded Rs. 5,00,000/- from the informant as ransom for cultivating the land and threatening that if you not given then your all family will be killed.

It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case due to land dispute. He submits that the father of petitioner no. 1 entered into an agreement with the land owner Ramesh Singh for purchasing the plot bearing Revenue Thana No. 42, Khata No. 49 and Survey plot No. 26 having area of 23 katha and 2 dhurs equal to 72 decimals after receiving agreement amount of Rs. 5,00,000/-. It is further submitted that for selling the land in question, the land owner Ramesh Singh has handed over the possession of the land to Nakul Paswan, father of the petitioner and from that very day, the petitioners are cultivating the land in question and they have sown the Rabi crops on that very land which was cultivated forcibly by the informant with the help of tractor in which the Rabi plant was uprooted so no case under Section 387 Cr.P.C. is made out against the petitioners. He submits that till date Sections 82 and 83 Cr. P.C. proceeding has not been issued against the petitioners. He further submits that petitioner nos. 1 and 2 have criminal antecedent whereas petitioner no. 3 has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each 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 Fatuha P.S. Case No. 41 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further conditions:

(1) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioners will be well represented on each and every date fixed in the case and if they fails to do so on two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the petitioners will mark their attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at

liberty to move cancellation of their bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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