

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19059 of 2022

Arising Out of PS. Case No.-1015 Year-2021 Thana- KHAJANCHI HAT District- Purnia

1. Ram Chandra Prasad Singh, Son Of Late Ram Prasad Singh R/O - Sipahi Tola, (MADHUBANI T.O.P.), P.S.- K.Hat, District- Purnea
2. Saurabh Kumar Singh, Son Of Ram Chandra Prasad Singh R/O - Sipahi Tola, (Madhubani T.O.P.), P.S.- K.Hat, District- Purnea

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate Mr. Jyoti Ranjan Jha
For the Opposite Party/s	:	Mr. Ramchandra Singh Mr. Fakhruddin Ali Ahmad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2022 Heard learned senior counsel for the petitioners, learned counsel for the informant and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 384 and 386/ 34 of the Indian Penal Code.

The learned senior counsel for the petitioners submits that the petitioner no.1 has antecedent of three cases and petitioner no.2 has antecedent of five cases and the informant alleges that petitioners are forcibly trying to grab the land and house of the informant as the petitioner no.2 at the instance of petitioner no.1 forcibly entered the house of the informant and



took forceful possession and even demanded extortion on 29.04.2021, 28.05.2021 and 13.08.2021. It is also alleged that with assistance of 4-5 unknown criminals, Saurabh Singh has grabbed the paternal land of the informant and keeps dogs of dangerous breed to frighten people including the informant with intention to grab all the properties. It is also alleged that Ram Chandra Prasad Singh and Saurabh Singh had been earlier arrested under the allegation of embezzlement and Arms Act.

The learned senior counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that a civil dispute has been given colour of a criminal case in order to coerce the petitioners into submission, so that they could leave the house of the informant. It is next submitted that petitioner no.1 is aged about 76 years and he is retired Headmaster of government school and petitioner no.2 is an engineer by profession. Further, the case has been instituted only with a view to compel the petitioners to vacate the premises and to withdraw the Title Suit which is pending between the parties. It is also submitted that it absolutely does not stand to reason that when it is alleged that extortion was being demanded continuously from 29.04.2021 till 13.08.2021, then why not F.I.R. came to be instituted promptly and the



present F.I.R. also came to be instituted two months after last demand of extortion. It is next submitted that the petitioners took the premises on rent from the informant's father and used to pay the rent regularly and after the death of the father, the mother of the informant out of her necessity, decided to transfer four kattha of land in that premises and negotiated with petitioner no.1 and took advance consideration amount from him also. Thereafter, it is submitted that after the death of the father of the informant, the informant did not want his mother to transfer the land, as such, he was seeking a higher price and thus, refused to transfer the land which resulted in dispute. It is next submitted that informant has even filed an Eviction Suit against the petitioner no.1, which is still pending. It is also submitted that a suit has been filed before the learned Subordinate Judge, Purnia as the mother of the informant after accepting the consideration amount did not execute the sale deed with respect to the land in question. The learned senior counsel at the cost of repetition submits that the present F.I.R. has been instituted only with a view to pressurize the petitioners to vacate the premises when admittedly, Eviction Suit and Title Suit are pending between the parties.

The learned counsel for the informant as well as the



learned Additional Public Prosecutor opposes the anticipatory bail application, but are not able to meet the submission of the learned senior counsel for the petitioners that the Eviction Suit and Title Suit are pending between the parties.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Court below where the case is pending in connection with K. Hat P. S. Case No.1015 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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