

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23504 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- KRITYANAND NAGAR District- Purnia

1. SITA RAM MEHTA S/o Maneshwar Mehta Resident of Village- Pothia Milki, P.s.- K. Nagar, P.O.- Champanagar, District- Purnia.
2. Vijay Kumar S/o Brahmdeo Mehta Resident of Village- Pothia Milki, P.s.- K. Nagar, P.O.- Champanagar, District- Purnia.
3. Bhujdeo Mehta S/o Late Sukdeo Mehta Resident of Village- Pothia Milki, P.s.- K. Nagar, P.O.- Champanagar, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dharmendra Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Mukeshwar Dayal, APP
For the Informant	:	Mr.Amit Kumar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 386, 353, 504 and 34 of the Indian Penal Code.

The informant alleges that he is Chairman of PACS and had entered into an agreement with the petitioners for lease of their land on the basis of rent for construction of godown, the godown was constructed on 18.07.2021 and after construction of godown, the petitioners are threatening to dispossess him, it is next alleged that on 23.01.2022, petitioners came and



disrupted the government work and demanded extortion of Rs. one lakh but informant anyhow gave Rs. 5,000/- on which petitioners damaged the land where flag hosting was to be done.

Learned counsel for the petitioners submits that the petitioner nos. 1 and 2 are persons with clean antecedent and petitioner no. 3 has antecedent of one case but the same also ended in a compromise, learned counsel further submits that a pure civil dispute has been given color of a criminal case and from perusal of the allegation as alleged in the F.I.R. it would manifest that on land of the petitioners, a godown was constructed in pursuance of an agreement for which yearly rent was also fixed, it is next submitted that it absolutely does not stand to reason that a person who has leased his land in pursuance of an agreement would demand extortion from the lessee. Learned counsel submits that the lease agreement was executed on 06.02.2020 and in terms of the agreement, yearly rent of Rs. 7,200/- was to be paid, it is further submitted that the godown was constructed on 18.07.2021 and thereafter the present case came to be instituted falsely alleging that petitioner was demanding extortion, learned counsel further submits that it appears that the informant who is PACS Chairman is trying to coerce the petitioners into submission by implicating them in a



false case so that they don't even ask for rent and ultimately the land stands grabbed by the informant.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners that the land was leased out in favor of the PACS in pursuance of a rent agreement.

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, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 K. Nagar (Chapanagar) P.S. Case No. 33 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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