

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41505 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Praful Singh @ Praful Kumar Singh, Son of Late Dev Nath Singh @ Bhola Singh @ Mahesh Singh, Resident of Village - Dharampur, P.S.- Muhiuddinnagar, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Muhiuddinnagar P.S. Case No. 160 of 2020 registered for the alleged offences under Sections 386, 120(B) and 115/34 of the Indian Penal Code.

The prosecution case is that the petitioner through his goons demanded extortion money from the informant. The petitioner have been demanding more money for the land sold by him to the father of the informant. Further, allegation against



the petitioner is that earlier in the year 2013, he and other co-accused persons set on fire the huts of the informant.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in this case by the informant. The petitioner had already sold his land to the father and wife of the informant in the year 2013 and it is highly improbable that after executing of the sale deed, he will further demand money for the said land. Moreover, the petitioner is in judicial custody and it is apparent that there appears no participation of this petitioner in the whole occurrence. Further, elder brother of the petitioner started selling the joint family land for which the petitioner and his wife filed a Title Suit No. 5 of 2019 before the court of learned Sub Judge, Patna. During pendency of the said title suit, the brother of the petitioner sold the land to the wife and mother of the informant. Wife of the petitioner only advised the informant not to purchase the land from the elder brother of the petitioner before declaration of his share. Learned counsel further submits that the petitioner has been remanded in this case on 5.10.2020.

Learned APP opposes the prayer for bail made on behalf of the petitioner submitting that petitioner has got a large number of cases pending against him.



Perused the records.

Having regard to the rival submission and considering the nature of allegation against the petitioner as well as dispute over land between the informant and the petitioner and taking into account the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 4th, Samastipur in connection with Mohiuddinnagar P.S. Case No. 160 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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