

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40380 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- BHORE District- Gopalganj

1. LAL BACHAN BHAGAT Son of Late Ramdeni Bhagat Resident of Village - Raghunathpur, P.s.- Bhorey, Distt.- Gopalganj.
2. Rabindra Bhagat Son of Lal Bachan Bhagat Resident of Village - Raghunathpur, P.s.- Bhorey, Distt.- Gopalganj.
3. Anil Bhagat @ Anil Prasad Son of Lal Bachan Bhagat Resident of Village - Raghunathpur, P.s.- Bhorey, Distt.- Gopalganj.
4. Ashok Bhagat @ Ashok Prasad Son of Lal Bachan Bhagat Resident of Village - Raghunathpur, P.s.- Bhorey, Distt.- Gopalganj.
5. Mithilesh Bhagat @ Mithilesh Kumar Son of Upendra Bhagat Resident of Village - Raghunathpur, P.s.- Bhorey, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogendra Tiwari, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, A.P.P.
For the informant	:	Mr. Vyas Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-09-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 3.

Permission is accorded.

The petitioner nos. 1, 2, 4 and 5 apprehend their arrest in a case registered for the offences punishable under Sections 147, 327, 364A and 386 of the Indian Penal Code.



The informant alleges that Ramayan Bhagat has daughters, including the informant, further her father had executed deed in favor of his daughters, it is next alleged that the accused persons came to the house of the informant and demanded Rs. 5 lakhs by way of extortion and thereafter kidnapped her father on the point of pistol and threatened the informant to execute sale deed or her father will not come back.

Learned counsel for the petitioners submits that the petitioner nos. 1, 2 and 4 have antecedent of one case, petitioner no. 5 is a person with clean antecedent and they have been falsely implicated in the present case, it is further submitted that petitioners are *patidars* and since there is a land dispute as such it has been falsely alleged that Ramayan Bhagat was kidnapped when admittedly he was not kidnapped, rather he in order to falsely implicate the petitioners, got the present false case instituted and thereafter when he came back and got his statement recorded under Section 164 C.r.P.C., wherein he supported the prosecution case. Learned counsel next submits that earlier Ramayan Bhagat had instituted Bhorey P.S. Case 32 of 2019 against the petitioners, it is next submitted that the victim of the present case has filed the informatory petition before the learned C.J.M., Gopalganj vide Case No. 1402 of



2022 stating therein that he was never abducted rather a false case was instituted against the petitioners, the informatory petition also records that the informant and her son are harassing the victim.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to rebut the submission of the learned counsel for the petitioners with respect to informatory petition no. 1402/2022.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1, 2, 4 and 5, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bhorey P.S. Case No. 128 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

gauravkr/-

U		T	
---	--	---	--

