

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2385 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- HASANPUR District- Samastipur

1. Mukesh Kumar @ Chaman Kumar Rai @ Chaman Son of Anil Kumar Rai Resident of village - Rampur Rajawa, Ward No.- 6, P.S.- Hasanpur, District - Samastipur
2. Rajeev Kumar @ Rajeev Kumar Rai Son of Nares Prasad Rai Resident of village - Rampur Rajawa, Ward No.- 6, P.S.- Hasanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar
For the Opposite Party/s	:	Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 323 and other allied sections of the Indian Penal Code.

As per the prosecution case, while the informant was constructing boundary wall of temple, all the accused persons obstructed in the said work. Petitioner no. 1 snatched cash of Rs. 6,000/- from the pocket of informant and petitioner no. 2 assaulted the informant with pistol on his neck and demanded extortion of Rs. 3 lacs.

It is submitted that as a matter of fact ancestors of the



petitioners had donated their Khatiani land in the name of Shri Ram Janki Temple where the alleged constructed is going on. The construction work started by the Contractor who is the informant of the present case who in connivance with the *Mahant* and anti-social elements under a conspiracy after leaving the excess area of the temple outside started construction of boundary wall which was protested by the father of petitioner no. 1 who is retired engineer who wrote a letter to the Superintendent Bihar State Board Religious Trust, Patna on 22.05.2018. It is further submitted that all the sections are bailable except Section 353 IPC which is not attracted in this case because informant is not public servant rather he is Contractor. Allegation of demand of extortion has been levelled against petitioner no. 2 but there is no delivery of extortion money and as such, no offence is made out. Petitioner no. 2 claims clean antecedents. Petitioner no. 1 has got one criminal antecedent which is also lodged by the informant of present case, in which he is on bail.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be



enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IVth, Rosera, Samastipur in connection with Hasanpur P.S. Case No. 203 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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