

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12021 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

1. HARENDER SAH Son of Late Mallu Sah Resident of Village- Methwaliya, P.S.- Chapra Mufassil, District- Saran (Chapra)
2. GAJENDRA SAH Son of Late Mallu Sah Resident of Village- Methwaliya, P.S.- Chapra Mufassil, District- Saran (Chapra)
3. CHINTU SAH @ SINTU SAH Son of Gajendra Sah Resident of Village- Methwaliya, P.S.- Chapra Mufassil, District- Saran (Chapra)
4. PINTU SAH Son of Gajendra Sah Resident of Village- Methwaliya, P.S.- Chapra Mufassil, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 385/ 387 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, on 27/05/2022 all the FIR named accused persons, including these petitioners, came on the land of the informant and demolished the wall constructed by him. It is further alleged that on 28/05/2022 when the informant went at his land the accused persons armed with country made



pistol threatened him with dire consequences and demanded extortion of Rs. Five lacs.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. It is further submitted that Title Suit No. 822/2018 is pending between the parties over the land in question and on account of pending land dispute the occurrence took place. Petitioner No. 3 has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that petitioners are named in the FIR and petitioners No. 1 & 4 have got criminal antecedent of four cases whereas petitioner No.2 has got criminal antecedent of five cases.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioners No. 1, 2 and 4 on pre arrest bail. Accordingly, the same is rejected.

Considering the facts of the case and clean antecedent of the petitioner No.3, let the petitioner No. 3, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran,



Chapra in connection with Saran Muffasil PS case No. 387/
2022, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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