

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11107 of 2022**

Arising Out of PS. Case No.-526 Year-2021 Thana- COMPLAINT CASE District-
Kishanganj

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TAUHAR ALI @ TOHAR ALI SON OF SAMAT ALI R/O VILLAGE-
BAGHRANI MIRJAPUR, P.S.- POTHIA, DISTRICT- KISHANGANJ

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. JIYABUL HAQUE SON OF HAJI ABDUL AJIJ R/O VILLAGE-
BAGHRANI, MIRJAPUR, P.S.- POTHIA, DISTRICT- KISHANGANJ

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Harendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

6 28-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 323, 327, 379, 34 of the Indian Penal Code.

The complainant alleges that she possesses 85 decimals of land on which she does cultivation and for a very long period, the accused persons including the petitioner wanted to purchase the land at a low price, it is next alleged that the petitioner had also filed a complaint case based on which an FIR came to be instituted against the present complainant and other in which police found a case to be false and submitted the final



form, it is further alleged that when the petitioner came to know that the case which he had filed was found to be false, thereafter, he got a proceeding under Section 144 CrPC initiated but the same was also directed to be filed before a Competent Court. It is further alleged that on 09.10.2021, when complainant along with her family members were cutting leaf of tea when all the accused persons came and cut 40-45 trees and also took Rs. 11,000/- from the pocket of the complainant.

Learned counsel for the petitioner submits that the petitioner is a person with one antecedent.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the allegation hinges around a civil dispute, it is further submitted that though it is alleged that 40-45 trees were cut but then there is no specific allegation against any of the accused persons of cutting the trees and taking of Rs. 11,000/- from the pocket of the complainant is ornamental. Learned counsel further submits that the petitioner denies that any trees were cut.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 10,000/- (Rupees Ten Thousand) 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 Compliant Case P.S. Case No. 526 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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