

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28466 of 2023

Arising Out of PS. Case No.-1357 Year-2022 Thana- KHAJANCHI HAT District- Purnia

1. ABHA DEVI @ ASHA DEVI W/O AMOL CHANDRA MISHRA Resident of Village- Prabhat Colony, Near Bhootnath Mandir, P.S.- K. hat. District- Purnea.
2. AMOL CHANDRA MISHRA S/O RAJESHWAR MISHRA Resident of Village- Prabhat Colony, Near Bhootnath Mandir, P.S.- K. hat. District- Purnea.
3. MUKESH KUMAR MISHRA @ MUKESH MISHRA S/O AMOL CHANDRA MISHRA Resident of Village- Prabhat Colony, Near Bhootnath Mandir, P.S.- K. hat. District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Singh, Adv.
For the State	:	Mr. Chandra Sen Prasad Singh, APP
For the Informant	:	Mr. Krishna Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-07-2023 Heard Mr. Harsh Singh, learned counsel appearing on behalf of the petitioners, Mr. Chandra Sen Prasad Singh, learned A.P.P. for the State and Mr. Krishna Kumar Singh, learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in connection with K. Hat P.S. Case No. 1357 of 2022, dated 16.12.2022, registered under Sections 147, 447, 341, 188, 384, 387, 504, 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 12.12.2022 at about 11.30 AM. all the HR named accused persons including



these petitioners and 4 unknown persons came to the house of the Informant and started abusing and had threatened with dire consequences by saying the Informant to withdraw a proceeding u/s 145 of the Cr.PC. bearing Case No.733M of 2020 in between them, which is pending in the court of the learned SDM, Purnea. On 12.12.2002 about 4:25 PM. accused persons brought Chauki on thela and kept it over the disputed land and closed the gate. It is further alleged that on 16.12.2022 at about 6:00 AM Informant had gone for morning walk then all the FIR named accused persons including these petitioners and 4 unknown persons intercepted him and started abusing and demanded rangdari of Rs.2,00,000/- Out of fear Informant gave Rs. 2150/- to the accused persons. In the meantime, nearby people assembled there then all the accused persons escaped. Accused persons are anti-social elements and prior to alleged occurrence, petitioner no.3 has gone to jail

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and the allegation made in the F.I.R. are false and concocted. The petitioners and informant are having enmity and the present F.I.R. is just to harass the petitioners on false accusation. Learned counsel further submits that so far as allegation against



petitioner no. 3 is concerned, it has been informed that even though he has not threatened at any point of time, while he will restrain himself from indulging in any illegal act.

5. Mr. Krishna Kumar Singh, learned counsel has tendered his appearance on behalf of informant and has opposed the prayer for grant of pre-arrest bail to the petitioners. He has further submitted that all the petitioners are having involved in the commission of crime as alleged in the F.I.R.

6. Mr. Chandra Sen Prasad Singh, learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

7. Having considered the rival submissions made on behalf of the parties as well as the nature of allegation made against the petitioners, it appears that the petitioners are made out prima facie a case to be released on bail, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with K. Hat P.S. Case No. 1357 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



8. The Court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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