

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56134 of 2023

Arising Out of PS. Case No.-2301 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Birendra Kumar @ Appu Singh @ Birendra Kumar Singh, son of Late Raghu Prasad Singh @ Ragho Babu, resident of Mohalla- Salimpur Ahra Daldali Road Gali No-2, P.S.- Gandhi Maidan, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar, son of Sant Lal Sao, Mohalla- Salimpur Ahra Daldali Road Gali no-2, P.S.- Gandhi Maidan Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Brajesh Prasad Gupta, Advocate
For the Opposite Party/s :	Mr. Surendra Prasad Singh, APP
For the Opp. Party No.2 :	Mr. Raj Krishna Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-11-2023 Heard Mr. Brajesh Prasad Gupta, learned counsel for the petitioner and the learned APP for the State. The complainant is represented by Mr. Raj Krishna Jha, learned advocate.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 2301 (C) of 2016, in which cognizance has been taken for the offence under Sections 384, 386, 379, 504, 506, 323, and 427 of the Indian Penal Code.

3. Allegedly while the complainant was constructing his house, in the meantime, the petitioner along with other 2-3 unknown anti-social elements came there and threatened the



complainant with dire consequences and demanded a ransom of Rs.2,00,000/-. Further allegation has been levelled that when the complainant protested for the same, the petitioner on the point of pistol forcefully snatched Rs.50,000/-, which was kept in the complainant's pocket for the purposes of payment of labours and expenses to purchase the materials.

4. It is submitted on behalf of the petitioner that the parties are close neighbours and they are loggerhead over the homestead land and there is serious dispute with regard to drainage and street, for which a proceeding was initiated under Section 144 of the Cr.P.C. way back in the year 2015 itself. He further drew the attention of this Court to the report of the Revenue Clerk submitted before the Circle Officer suggesting therein that there is a bona fide dispute between the parties. He further submits that though the occurrence took place on 18.07.2016, but the complaint has been filed on 23.07.2016 and reason for delay has not been assigned. The petitioner bears fair antecedent and submits before this Court that delay has occurred on account of the fact that at no point of time any process has been served upon him. Moreover, he undertakes that he will participate in the proceeding of the court.

5. On the other hand, learned counsel for the opposite party no.2 and the State opposed the bail application and submit



that apart from demand of ransom, the petitioner had snatched Rs.50,000/- on the point of pistol.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the complaint and the bona fide dispute between the parties and the report of the Revenue Clerk, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Patna in connection with Complaint Case No. 2301 (C) of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner and he will fully cooperate in the trial.

(Harish Kumar, J)

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