

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59263 of 2023

Arising Out of PS. Case No.-1515 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Bhirgu Kumar Sinha Son of Late Sushil Kumar Sinha, Resident of Village- Marwari Bazar, P.S. - Samastipur Town, District - Samastipur
 2. Prem Kumar Sinha @ Prem Chandra Kumar Sinha, Son of Late Sushil Kumar Sinha, Resident of Village- Marwari Bazar, P.S.- Samastipur Town, District - Samastipur
 3. Prabhat Kumar Sinha Son of Late Sushil Kumar Sinha, Resident of Village- Marwari Bazar, P.S.- Samastipur Town District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Complaint Case No. 1515 of 2017 wherein processes have been directed to be issued after cognizance being taken for the offences under Sections 341, 323, 384, 379/34 of the Indian Penal Code.

3. As per prosecution case, due to business rivalry, the petitioner and co-accused threatened the complainant and they demanded Rs.Ten lakhs as extortion amount. When the complainant did not make the payment, he was assaulted by the



petitioners and they snatched a bag containing Rs.1,25,000/-. The complainant was further assaulted by the petitioners and co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The whole case of the complainant is false and concocted and has been filed with a view to pressurize the family members of the petitioners to withdraw the civil suite pending against the family of the complainant. The falsity of the case is also apparent from the fact that place of occurrence is hardly 500-700 meters from the Town Police Station but complainant did not approach the police station rather he preferred to file a complaint as he was under apprehension that during police investigation the allegations would be found false. Learned counsel further submits that the family of the complainant has long enmity with the petitioners' family in the background of land dispute. The petitioners have filed Civil Misc. No. 986 of 2019 against an order passed in Eviction Suit No. 04 of 2013 which went in favour of family of the complainant. Similarly, Title Suit No. 107 of 2018 is also pending before the court of learned Sub Judge-V, Samastipur for the same piece of land and the house in which petitioners'



family were residing since the time of the grandfather. Learned counsel further submits that petitioner no. 3 has got no criminal antecedent and petitioner nos. 1 and 2 have one criminal antecedent and the case was filed by the father of the complainant.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of material against the petitioners to connect them with the offence as alleged and further considering the long standing land dispute and possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Samastipur/concerned court in connection with Complaint Case No. 1515 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative



of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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