

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62380 of 2023

Arising Out of PS. Case No.-348 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Raj Kumar Paswan S/O Ram Uday Paswan R/O Village- Chilmil Ward No. 02, P.S- Muffasil, Distt.- Begusarai.
 2. Arbind Paswan @ Arbind Kumar Paswan S/O Ram Uday Paswan R/O Village- Chilmil Ward No. 02, P.S- Muffasil, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Muffasil P.S. Case No. 348 of 2023 registered for the offences punishable under Sections 341, 323, 387, 354, 447, 504 and 34 of the Indian Penal Code. Petitioner no.1 has got two criminal antecedents and petitioner no.3 has got three criminal antecedents.

3. As per the prosecution story, petitioner no.1 used to call on informant's mobile and ask for Rs. Two lakhs as extortion. On 15.06.2023, both the petitioners entered into the informant's house and abused him and asked for extortion



money and petitioner no.2 threatened him by putting pistol on his temple and also threatened informant's brother and mother. The informant gave them Rs. 10,000/- and the petitioners asked him to pay the rest amount within a week otherwise he will be killed. The informant went to the house of petitioners to complaint their father but he also supported the petitioners and asked the informant to pay the extortion money.

4. Learned counsel for the petitioners submits that both the petitioners are co-villagers and there is a land dispute between the parties over a piece of land. It is stated that the informant Neeraj Sharma and others, namely, Sandeep Sharma and Saroj Sharma, all the three persons are doing business of sale and purchase of land and they are working as brokers.

5. It is submitted that there was a negotiation between Neeraj Sharma and others and the petitioners for purchase of a land at a cost of Rs. Ten lakhs per *kattha* and in this regard, an agreement was also prepared by Sandeep Sharma in which the petitioner no.1 has put his signature and he had given a sum of Rs. Three lakhs in advance and he was asked to arrange Rs. Seven Lakhs for purpose of registry but when the petitioners approached said Sandeep Sharma for execution of sale deed, he



did not become ready.

6. Learned counsel submits that it is a case of false implication, it is not a case of extortion of money and there is no injury to any person.

7. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners but having regard to the facts and circumstances of the case, particularly, the supplementary affidavit of the petitioners enclosing therewith copy of the agreement allegedly executed by the brother of the informant in respect of a piece of land on which Ram Kumar Paswan @ Raj Kumar Paswan has also put signature and said Ram Kumar Paswan has filed Complaint Case No. 54(C) of 2023 which has given rise to the counter case being Muffasil P.S. Case No. 395 of 2023 dated 10.07.2023, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Begusarai Muffasil P.S. Case No. 348 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



8. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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