

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62409 of 2022

Arising Out of PS. Case No.-337 Year-2020 Thana- PAHARPUR District- East Champaran

1. LALU SAH S/O- Hari Sah R/O Village- Amwa Nijamat , P.S - Paharpur, District- East Champaran
2. Motilal Sah S/O Hari Sah R/O Village- Amwa Nijamat , P.S - Paharpur, District- East Champaran
3. Bhutkun Sah S/O- Hari Sah R/O Village- Amwa Nijamat , P.S - Paharpur, District- East Champaran
4. Ranjit Kumar S/O - Jagdish Sah R/O Village- Amwa Nijamat , P.S - Paharpur, District- East Champaran
5. Bittu Sah @ Bishundev Sah @ Vishundev Sah S/O - Nathuni Sah R/O Village- Amwa Nijamat , P.S - Paharpur, District- East Champaran
6. Sanjit Kumar S/O - Jagdish Sah R/O Village- Amwa Nijamat , P.S - Paharpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Madhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 385, 387, 436, 379, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that Lalu Sah demanded extortion of Rs. Two lakhs in



defiance of the decision of the *panchas* and threatened that in the event if the amount is not paid, his house would be burnt and on objection, the accused persons came and Biltu and Moti poured kerosene oil on the house and Ranjit set the house on fire causing damage of articles worth Rs. 80,000/- and further Biltu assaulted by *farsa* causing injury on head.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that Lalu Sah would have demanded an extortion of Rs. Two lakhs when already a *Panchayati* was conducted, it is further submitted that from perusal of the FIR it would manifest that the date of occurrence is 25.05.2020 and the FIR was instituted on 02.09.2020 i.e. after a delay of nearly more than 100 days which absolutely demolishes the case of the prosecution. Learned counsel next submits that the police investigates in mechanical manner as it absolutely does not stand to reason that as to why during the course of investigation this aspect of the matter was also not investigated that why the FIR came to be instituted after such a delay if occurrence of setting the house on fire had taken place.

Learned A.P.P. for the State and learned counsel for



the informant oppose the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Paharpur P.S. Case No. 337 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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