

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73741 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- MAINATAND District- West Champaran

Anup Prasad @ Anup Kumar, Son of Brijkishore Prasad @ Brajkishore Prasad @ Brajkishor Prasad, Resident of Mainatand, P.S. - Mainatand, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish, Advocate Mr. Amit Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Shashank Chandra, Advocate Ms. Kumari Shubham, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 29-11-2023 1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.
2. The petitioner has preferred this application for grant of regular bail in connection with Mainatand P.S. Case no. 58 of 2023, registered under sections 341, 323, 327, 384, 386, 504, 506 and 34 of the Indian Penal Code.
3. As per the prosecution case, the informant states that while she resides in Nigeria, her brother-in-law (*devar*) along with his family resides in Canada. On 23.3.2023, the eight named accused persons including the petitioner herein started to store certain articles illegally on her land. Once again on 11.4.2023 on the informant's making an attempt to construct a boundary wall on her land, the accused persons led by this



petitioner armed with a gun started to threaten the informant, her husband and her brother-in-law. They were threatened that they would have to pay *rangdari* of Rs.50 lacs.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From the contents of the FIR it would transpire that the cause of the petitioner's false implication is land dispute between the parties. The allegations are false and concocted. No person has been injured in the entire occurrence. As per instructions received charge-sheet has been submitted in the case. The petitioner is in custody since 4.9.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the FIR but there is direct allegation against him of having made all attempts to illegally take possession of the informant's land. It is further directly alleged that he came armed with various weapons along with others and also threatened the informant, her husband and her brother-in-law. There is further allegation of his having made a demand of *rangdari* of Rs.50 lacs and that only thereafter he would permit the construction of the boundary wall.



6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR, no person having been injured in the entire occurrence, the petitioner having remained in custody since 4.9.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Mainatand P.S. Case no. 58 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran.

7. It is directed that the petitioner shall remain properly represented in the trial court on each date of the case/trial and shall cooperate in the trial.

(Partha Sarthy, J)

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