

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18121 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- MUFFASIL District- West Champaran

1. ABDUR RAHMAN @ RAHMAN MIAN Son of Late Rasul Mian Resident of Village-Bettiah Dih, Tola-Mehandiya Bari, P.S.-Bettiah Muffasil (Manuapul), District-West Champaran.
2. SAHEB MIAN @ MD. SAHEB Son of Abdur Rahman @ Rahman Miyan @ Rahaman Miyan Resident of Village-Bettiah Dih, Tola-Mehandiya Bari, P.S.-Bettiah Muffasil (Manuapul), District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Verma, Advocate
For the State	:	Mr. Parmanand Prasad, A.P.P.
For the Informant	:	Mr. Anshul, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-04-2024 Learned Counsel for the petitioners submit that during the pendency of the petition, the petitioner no. 2, Saheb Mian @ Md. Saheb has been arrested and as such, he seeks permission to withdraw his case.

2. Accordingly, so far as the petitioner no. 2 is concerned, the same is dismissed as infructuous.

3. Heard Mr. Umesh Chandra Verma, learned Counsel for the petitioner and Mr. Anshul representing the informant and learned APP, Mr. Parmanand Prasad.

4. The petitioner apprehends his arrest in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 533 of 2023 for



the offence registered under sections 308, 354B, 323, 327, 379, 268, 420, 467, 468, 471, 120B, 504, 506 and 34 of the Indian Penal Code lodged on 04.08.2023 by the informant, Yogendra Mahto.

5. As per the prosecution story, the informant alleged that after making full payment of Rs. 3,75,000/-, a deed was registered with the accused persons. However, approaching road/path was not given to the plot and upon request, once again, Rs. 1,50,000/- was demanded which was paid but the blocking of the path continued and allegation is that upon protest, was assaulted. Accordingly, the F.I.R.

6. Learned Counsel for the petitioner submits that exaggerated F.I.R. has been lodged in a case of civil dispute, there is no such '*raasta*' and allegation of assault is on the petitioner no. 2 who is already been arrested.

7. Mr. Anshul, learned Counsel for the informant submits that the F.I.R. can be read in three parts, one the despite execution of sale deed after full and final payment, the pathway was not given to him; again he was asked to pay Rs. 1,50,000/- but the blockade continued. When this was protested, they also resorted to assault.

8. Having gone through the aforesaid



facts/submissions as also perusing the F.I.R., the informant has been harassed for making payment of additional amount of Rs. 1,50,000/-, still the road/pathway was not allowed and when he rightly protested, was assaulted.

9. In that background, it would be appropriate that the petitioner seeks bail.

10. Cr. Misc. No. 18121 of 2024 stands rejected.

(Rajiv Roy, J)

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