

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22239 of 2024

Arising Out of PS. Case No.-325 Year-2023 Thana- BARAULI District- Gopalganj

1. Vikash Yadav @ Vikash Kumar son of Barister Yadav Resident of village- Bhakraur Jaddi PS- Barauli District- Gopalganj
2. Amresh Yadav @ Amresh Kumar son of Late Hridya Yadav Resident of village- Bhakraur Jaddi PS- Barauli District- Gopalganj
3. Nagendra Yadav son of Late Hridya Yadav Resident of village- Bhakraur Jaddi PS- Barauli District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijaya Laxmi Srivastawa, Advocate
For the State	:	Mr.Md. Mushtaque Alam, APP
For the Informant	:	Mr.Rajesh Roy, Advocate
		Mr. Ravindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners, learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 506 and 384/34 of the Indian Penal Code.

3. As per the prosecution story, the informant has got his land in P.O. village and the accused persons are Bhoo Mafia who used to demand extortion money of Rs. 2 lac and threatened that if the money is not provided they will forcibly take possession of the land of informant on the basis of gun. Later, the accused persons prepared forged document to extort



money and forcibly ploughed the said land.

4. It is submitted by learned counsel for the petitioners that petitioners are innocent and have falsely been implicated in the present case and that the petitioners have got three criminal antecedents which are mentioned in Paragraph '3' of the bail application. As per the FIR, the allegation against the petitioners is that they forcibly took possession of the land of the informant. The accused persons are Bhoo Mafia and they threatened the informant that if the extortion money of Rs. 2 lac. is not given they will forcibly take possession of the land on the basis of gun and they will kill the informant and none of the members of the family of informant will be allowed to come to the P.O. village.

5. Learned counsel for the petitioners submits that all the allegations levelled against the petitioners are false and fabricated. There is no date, time and month mentioned in the FIR. He further mentions that it is a case of land dispute and that the allegations are vague in nature. The previous three cases were also lodged by informant side for the land dispute.

6. Learned APP for the State opposed the prayer for bail. He submits that the police is in hand with the petitioners, therefore, the police did not mention the time, date and month in



the FIR.

7. Considering the arguments of the parties and on perusal of the records, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order. Considering the orders passed by the Apex Court in **Satendra Kumar Antil v/s. Central Bureau of Investigation & Anr.** reported in **(2022) 10 SCC 51** and **Arnesh Kumar v/s The State of Bihar** reported in **(2014) 8 SCC 273**.

(Anjani Kumar Sharan, J)

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