

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20867 of 2024

Arising Out of PS. Case No.-517 Year-2023 Thana- MADHEPURA District- Madhepura

Abhishek Kumar @ Abhishec Kumar, Son of Ashok Yadav, Village- Bhirkhi,
Ward No. 23, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Madhepura P.S. Case No. 517 of 2023, registered for the offences under Sections 341, 323, 327, 385, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons, armed with *lathi*, *danda* and iron rod, stopped the work of construction of boundary wall of the informant and when the informant opposed their act, they assaulted the informant. Petitioner and co-accused persons also demanded extortion money of Rs.2,00,000/- and asked the informant to transfer his land in their name.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Due to land dispute, informant has filed Title Suit No. 227 of 2023 in the court of learned Sub Judge-1, Madhepura for the same land against the petitioner and his other family members and in order to pressurize them, he has lodged this false case. The allegation is completely general and omnibus and no injury was found on the person of the informant and his family members. No extortion money was paid. The FIR has been lodged after delay of nine days without any explanation. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and vague nature of allegation against the petitioner without any substantive material and also considering the clean antecedent of the petitioner coupled with possibility of false implication in the background of land dispute, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura/court concerned in connection with Madhepura P.S. Case No. 517 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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