

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43696 of 2024

Arising Out of PS. Case No.-315 Year-2022 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

-
1. Raju Paswan S/O VINOD PASWAN MOHALLA MARIPUR, P.S. - KAZI MUHAMMADPUR, DISTRICT MUZAFFARPUR
 2. GURIYA DEVI D/O VINOD PASWAN, W/O ARUN PASWAN R/O VILLAGE- PATAHI NATAYANPUR, P.S.- SADAR, DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan
For the Opposite Party/s : Mr. Chandra Bhushan Prasad.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-08-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The learned counsel for the petitioners, at the outset, submits that inadvertently at Para-17 of the anticipatory bail application, it has been pleaded that Vinod Paswan did not receive the amount when he has received the amount and thus seeks to rectify the said paragraph.

3. Permission is accorded.

4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 384, 386, 504 and 506 of the Indian Penal Code.

5. Learned counsel for the petitioners submits that



petitioners are persons with clean antecedent and the informant alleges that he along with Vijay and Tohid had purchased the land from the owners by way of a registered sale deed, further on some portion of the purchased land, some persons were staying unauthorizedly, further the unauthorized occupants of the land assured that they would execute a deed of relinquishment in lieu of which the informant paid Rs. 22,63,500/- to Vinod Paswan out of which Rs. 21 lakhs was paid through RTGS in the account of Vinod Paswan and Vinod Paswan acknowledged the payment, further the payment was made in lieu of their rehabilitation, it is next alleged that Vinod and his daughter are witness on the sale deed, it is next alleged that after receiving the amount, the relinquishment deed was not executed and now the accused persons including the petitioners threaten them and demand Rs. 50 Lakhs.

6. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case and the informant along with others got a forged sale deed prepared with respect to one *Katha* of land of the petitioners and threatened the petitioners to vacate failing which dire consequences would follow, for which Kazi Mohammadpur P.S. Case No. 169 of 2022 was instituted from the side of the



petitioners.

7. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, vehemently opposes the prayer for anticipatory bail of the petitioners and submits that though a plea has been taken that a forged and a fabricated sale deed was prepared by the informant and others with respect to one *Katha* land of the petitioners, but then no documentary evidence has come on record in support of the said submission that land belongs to the petitioners nor there is any averment in the anticipatory bail application rebutting the claim of the informant that Vinod Paswan has received the amount as recorded hereinabove. It is also submitted that from perusal of the description of the petitioners, it would manifest that they are son and daughter of Vinod Paswan. The learned APP next submits that there is no denial of the allegation in the FIR that Vinod Paswan has not received the amount, rather a plea has been taken that petitioners never received any amount, it is next submitted that this perhaps explains why petitioners now are demanding Rs. 50 Lakhs for vacating the land which is nothing but extortion, the learned APP next submits that from perusal of the allegation as alleged in the FIR, it manifests that after the money was credited in the account of Vinod Paswan, the



petitioners became wise and started threatening the informant and others to implicate them in a false criminal case taking advantage of their caste, if Rs. 50 Lakhs is not paid, it is also submitted that this perhaps explains the institution of Kazi Mohammadpur P.S. Case No. 169 of 2022 under various provisions of the IPC and the SC/ST Act. The learned APP also submits that Vinod Paswan and his daughter are witness on the sale deed as alleged in the FIR and the said fact also is not disputed in the anticipatory bail application which further goes to demonstrate that after Vinod Paswan received the amount, his children became wise and started creating troubles for the informant.

8. At this stage, the learned counsel appearing on behalf of the petitioners submits that they have already vacated the land and they are not in possession of the land.

9. Considering the submissions made by the learned counsel appearing on behalf of the petitioners that petitioners have vacated the land and are not in possession of the land, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand)



each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kazi Mohammadpur P.S. Case No. 315 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However, the petitioners, at the time of surrender, will file an affidavit stating therein that they have vacated the land and are not in possession of the land as detailed in the FIR failing which the present anticipatory bail order shall not be given effect to.

11. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

