

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54945 of 2024

Arising Out of PS. Case No.-447 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Ashok Sah Son of Late Parmeshwar Sah R/o Rahimpur Rudauli, P.O.-
Rudauli, P.S.- Muffassil, District - Samastipur, State - Bihar.
 2. Ratnesh Kumar Sah @ Kari Son of Ashok Sah R/o Rahimpur Rudauli, P.O.-
Rudauli, P.S.- Muffassil, District- amastipur, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhigyan Kumar, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Samastipur Mufassil P. S. Case No. 447 of 2022 dated
10-10-2022 instituted for the offence punishable under Sections
406, 420, 384, 385, 386, 387, 341, 323, 504 and 34 of the Indian
Penal Code.

3. Allegation in the FIR is that petitioners after
hatching conspiracy in collusion with each other took Rs. 6 lacs
for execution of sale deed from the informant and they made
documents of land, but these petitioners in the name of giving
possession demanded Rs. 2 lacs as extortion and also threatened



the informant to kill her if she will not fulfill their demands. In this manner, petitioner No.1 betrayed the informant and committed breach of trust.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner no.1, namely, Ashok Sah executed three sale deed in favour of the informant on 20-05-2016, 17-08-2016 and 24-07-2017 having an area of 1 Katha 8 dhurs. The petitioners in the name of giving possession demanded Rs two lacs as extortion and also threatened the informant to kill her if she will not fulfill their demands. It is next submitted that the date of occurrence mentioned in the FIR is 28-09-2022 whereas, FIR has been lodged on 10-10-2022 after delay of twelve days of the said occurrence without plausible explanation. It is submitted that the informant along with her husband wants to construct house on the rest land of the petitioners which is situated near the road side and tried to take forceful possession over the same. On account of which, petitioners have been falsely implicated in this case. There is no independent witness to support the case of the prosecution. There is no injury report to suggest any assault made by the petitioners. The dispute between the parties is purely civil in



nature. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Samastipur Mufassil P.S. Case No. 447 of 2022, GR No. 2811 of 2022 petitioners shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Judge V- cum- A.C.J.M.,-II, Samastipur, Dist. Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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