

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47659 of 2024

Arising Out of PS. Case No.-1155 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Sunil Kumar Sharma S/O Nagendra Sharma Resident of village-Birauli
Khurd, P.S.- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Janardan Kumar S/O Ramkhelawan Rai R/O Village- Birauli Khurd, P.S-
Pusa, Distt.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 1155 of 2022, instituted for the offence
punishable under Sections 384, 386 and 504 of the Indian Penal
Code, in which cognizance has been taken under Sections 384
and 504 of the I.P.C..

3. The prosecution case, in short, is that a Sale deed
dated 22.09.2009 had been executed in favour of the petitioner
by his Late maternal grandfather and grandmother. The
allegation against the petitioner is that when the complainant
started constructing a *godown*, he demanded rasta. In the



meantime, the petitioner along co-accused persons is alleged to have demanded extortion and threatened the complainant due to which dispute arose between the parties.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that due to land dispute, this case has been lodged against the petitioner. The dispute is with regard to passage from the land appertaining to old Khata No. 01, old Plot No. 633 and area 17.468 decimals. It is submitted that petitioner is having registered deed of the said land and even in government record, the petitioner's name was mutated and he came in peaceful possession of the said land. It is submitted that wife of the complainant Savita Kumari had also filed Misc. Case No. 205 of 2023 in the court of S.D.M., Samastipur against the petitioner under Section 147 of the Cr.P.C.. The entire allegation with regard to demand of extortion money and having given threats is imaginary and concocted. Lastly, it has been submitted that he has no criminal antecedent.

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

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 petitioner within a period of six weeks from today, in connection with Complaint Case No. 1155 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.-Ist Class, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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