

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53367 of 2024

Arising Out of PS. Case No.-757 Year-2024 Thana- PHULWARISHARIF District- Patna

AMISH KUMAR @ ANKU KUMAR S/O SAKET BIHARI SHARMA @
PHUCHAN R/O VILLAGE- KORJI, P.S- PHULWARISHARIF, DISTT.-
PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul

Mr. Anuj Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 447,
341, 342, 323, 354, 354B, 386, 379, 504, 427, 506 and 34 of
the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. The informant alleges that on 29.05.2024 at 09:30
AM, Saket Bihari Sharma along with petitioner came at her
door and broke the boundary and gate constructed on her
land, thereafter the petitioner slammed her and started



removing her clothes, on which she raised an alarm, hence her husband and son came to save her, but petitioner assaulted causing scratch injury on leg of her husband and also snatched her golden chain, further the accused demanded extortion of Rs. 5 lakhs and in the occurrence the mobile and bicycle broke and accused left threatening her.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant who is wife of a retired Sup-Inspector of Police. It is next submitted that informant purchased 4.5 decimal of land pertaining to *Khata* No. 370, Plot No. 1436 from relatives of the petitioner. It is next submitted that land of the petitioner and his uncle pertains to *Khata* No. 376, Plot No. 1437, thus, is adjacent to the purchased land of the informant in which she is residing after constructing her house, as such, the informant and her husband who is a retired police inspector in connivance with the local police are forcing the father of the petitioner and his uncle to sell their land as their plot is adjacent to their purchased plot, on which the father and uncle of the petitioner are not agreeing, as such, they are being threatened by the informant on strength of her acquaintance with the local police that the family would be



implicated in false criminal cases.

6. The learned counsel for the petitioner next submits that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence is dated 29.05.2024 and the FIR has been instituted on 29.05.2024, but then the FIR was sent to the Court of learned ACJM-XII, Patna on 03.06.2024, i.e. after a delay of six days which amply demonstrates that the present case might have been lodged on a later date than the date shown in the First Information Report. It is also submitted that on 19.05.2024, the informant and her family members started demolishing the boundary on the land of the petitioner's father and uncle, which they were constructing, thereafter a protest was made from side of the petitioner and it was agreed that the land would be measured, thereafter an *Amin*, Madan Mohan Sharma, was called who measured the land in presence of the informant and her family members and found that the petitioner's family were constructing the boundary on their land, as such, after the measurement, when construction of the boundary wall started, the informant and her husband again on 24.05.2024 created obstruction and shooed away the labourers, accordingly, a *Sanha* was given in Phulwarisharif police Station (*Annexure-*



5) from the side of the petitioner. It is next submitted that the informant is wife of a retired Sup-Inspector, but then the said fact stands concealed in the FIR and an impression has been created as if the petitioner being criminal came to her house demanding extortion and even demolished her boundary wall. It is further submitted that it absolutely defies all logic, wisdom and reasonable human behaviour that the petitioner who is a student of law along his family members would have gone to the site of the informant and would have indulged in such act as alleged when she is wife of a retired Sub-Inspector of Police.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 10,000/- (Rupees Ten Thousand) 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 Phulwarisharif P.S. Case No. 757 of 2024 subject to the



conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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