

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56217 of 2024

Arising Out of PS. Case No.-152 Year-2023 Thana- BAHADURPUR District- Patna

Vijay Sah Son of Late Jagdish Sah R/O- Mohalla- Sandalpur, Opposite St.
Pauls School, P.S.- Bahadurpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 152 of 2023, registered on 29.04.2023 for the offences under Sections 153, 153(A), 153(B), 162, 163, 166, 167, 169, 323, 420, 504, 506, 120B/34 of the Indian Penal Code.

3. As per prosecution case, the complainant-informant gave a petition before the court of learned A.C.J.M.-1st, Patna City for registration of FIR making allegation that the petitioner purchased a part of some land in 2017 which was earlier purchased by the informant in the year 2012. The petitioner demanded Rs.25 lakhs as extortion money from the informant when the informant went on his land where the petitioner and other co-accused persons were present.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. After the petition was filed under Section 156(3) of the Code of Criminal Procedure, the learned Subordinate Court asked for report from the police and did not direct it to lodge FIR in this case but the police registered the FIR which is is completely illegal. The dispute between the petitioner and the informant is civil in nature and Title Suit No. 59 of 2019 is pending before learned Sub Judge-IV, Patna City, wherein the status quo granted to the informant has been vacated by the learned court below. The present case is counter blast of cases lodged by the petitioner against the informant which are vide Bahadurpur P.S. Case No. 415 of 2022, Bahadurpur P.S. Case No. 260 of 2023 and Bahadurpur P.S. Case No. 30 of 2024. The informant is an anti social person and he is accused in altogether 12 cases registered before different police stations of Patna and in fact, it was the informant who has been demanding extortion money from the petitioner as he purchased part of the land earlier. The petitioner is bonafide owner of the land in question which was purchased by him through a registered sale deed and the said land was already having boundary and iron gate and revenue receipts have been issued in the name of the petitioner



which falsifies the allegation made in the FIR. For the same land Title Suit No. 84 of 2015 was fought between the informant and others in which the informant filed an affidavit stating therein that Vidhya Devi is the owner of said land and thereafter, Title Suit No. 84 of 2015 was dismissed as withdrawn. The petitioner has purchased the said land from Vidhya Devi in the year 2017. As the informant has been harassing the petitioner in connivance with the police, petitioner was forced to file Cr.W.J.C. No. 985 of 2023. Learned counsel further submits that there is no specific mention of place of occurrence, time of occurrence and date of occurrence which shows entire complaint petition is concocted and fabricated on account of land dispute of the parties. Learned counsel further submits that the petitioner is having antecedent of 5 cases, out of which in two of the case police submitted closure report and in three cases the petitioner is on bail.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner and he is having a number of criminal antecedents.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering



background of land dispute and further considering the improbability of accusation, 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 Additional Chief Judicial Magistrate- 1st, Patna City/concerned court in connection with Bahadurpur P.S. Case No. 152 of 2023, subject to the condition 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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