

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60756 of 2024

Arising Out of PS. Case No.-861 Year-2023 Thana- AGAMKUAN District- Patna

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Pawan Mahto S/O Late Bulkan Mahto R/O Village- Chhoti Pahari, P.S-
Agamkuan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh

For the Opposite Party/s : Mr. Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-10-2024 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 147, 148,
149, 385, 387, 427, 504, 506 and 307 of the Indian Penal Code
read with Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and the informant
alleges that he and Naushad Ahmad looks after a piece of land
that belongs to Chandan Kumar, it is next alleged that on
03.09.2023 informant and Naushad came on the plot with their
motorcycle and were sitting in a room constructed on the land
when all of a sudden they heard sound of firing and when they
peeped outside, they saw the named accused persons including



the petitioner and many female along with 40-50 unknown people rushing towards them while firing on account of which a ruckus was created and the accused persons damaged the bike of the informant and also demolished the walls of the room and boundary by using a JCB machine and demanded extortion of Rs. 50 Lakhs when informant called the police by making a call on 112, thereafter the accused persons fled with the JCB.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant with general and omnibus allegation of firing. It is next submitted that though it is alleged that indiscriminate firing was made, but then no one was injured though three cartridges are alleged to have been recovered from the place of occurrence. It is also submitted that the FIR came to be instituted for the reason that the villagers were protesting the purchase of land made by Chandan from the *Raiyats* who were not the owner of the land. It is also submitted that the parties have compromised the case as would manifest from compromise dated 01.05.2024 (Annexure-2) to the anticipatory bail application which has been filed before the learned Trial Court also.

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



6. 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 Agamkuan P.S. Case No. 861 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall verify the genuineness of the compromise and in the event if the informant disputes the compromise in that event, the present anticipatory bail order shall not be given effect to.

8. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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