

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60347 of 2024

Arising Out of PS. Case No.-458 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Jetendra Kumar @ Jitendra Prasad Son Of Khub Lal Prasad R/O Janta Cinema Road, Kali Mandir, P.S. And Dist. - Gopalganj
 2. Ashok Mali Son Of Late Hari Kishore Mali R/O Janta Cinema Road, Kali Mandir, P.S. And Dist. - Gopalganj
 3. Prem Kumar Son Of Jetendra Kumar @ Jirendra Prasad R/O Janta Cinema Road, Kali Mandir, P.S. And Dist. - Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 17-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Gopalganj P.S. Case No. 458 of 2024 dated 19.06.2024 instituted
for the offence punishable under Sections 385, 387/34 of the
Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence, the petitioners forcibly took possession of the
informant's land and house and they entered into the house of the
informant and demanded extortion money of ten lakh rupees and
threatened to kill her. It is also alleged that they threatened the
informant to flee away by leaving her shop.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the written typed complaint has been filed in the name of Lakho Devi but the signature on the said complaint is of Mantu Kumar, who is the son of Lakho Devi. Learned counsel for the petitioners submits that petitioner no. 1 is the cousin brother of the father of Mantu Kumar and husband of Lakho Devi. It is submitted that both sides are agnates. There is land dispute between them. Babulal Prasad filed Title Suit No. 439 of 2001 against petitioner no. 1 and his siblings regarding the land stated in instant case and the same was dismissed *vide* order dated 21.05.2009 passed by learned Sub-Judge, Gopalganj. It is also submitted that a partition suit bearing Partition Suit No. 144 of 2024 has been filed by the petitioners against the husband of Lakho Devi and the father of Mantu Kumar, namely, Ramnath Prasad who is the defendant no. 7 in the said partition suit which is pending in the court of learned Sub-Judge, Gopalganj. The present case is purely civil in nature. No criminal offence has been made by the petitioners. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory 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 petitioner within a period of six weeks from today, in connection with Gopalganj P.S. Case No. 458 of 2024, they will be released on 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 Chief Judicial Magistrate, Gopalganj, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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