

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71517 of 2023

Arising Out of PS. Case No.-2846 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Ram Jugal Thakur, Son of Late Deocharan Thakur
 2. Akhilesh Kumar Thakur, Son of Ram Jugal Thakur
 3. Arvind Kumar Thakur, Son of Ram Jugal Thakur
- All are Resident of Village - Dhalai Road, New Etwarpur, P.O-Kurthaul,
P.S.- Parsa Bazar, Distt- Patna

... .. Petitioners

Versus

1. The State of Bihar
2. Munni Kumari, Wife of Praveen Kumar, at present residing at Shardalichak
New House, North- East of Rice Mill adjacent to Fish Pond, P.S.- Gopalpur,
Dist- Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the complaint
and apprehending their arrest in connection with Complaint Case
No.2846 (c) of 2021 in which cognizance has been taken for the
offence punishable under Sections 384, 323, 341 and 379 read with
34 of the Indian Penal Code.

3. Allegation against the petitioners is to ask for
extortion amount and also to take out Rs.2,000/- from the pocket of
complainant, where allegation is also to execute a sale deed in favour
of petitioner.



4. It is submitted by learned counsel appearing on behalf of the petitioners that the petitioners had already paid Rs. 24 lacs to the complainant through agreement to sale and despite of receiving the payment, the complainant refused to register the land in issue and, thereafter, implicated the petitioner with present case. It is submitted that for specific performance of said agreement, a title suit being Title Suit No.183 of 2023 was filed by the petitioner no.1 before Sub Judge-I, Patna. It is also pointed out by learned counsel that allegation against petitioner nos. 2 and 3 appears ornamental as to aggravate the allegation of snatching Rs. 2,000/- from the pocket of complainant and also to obtain a signature on a blank paper. While concluding argument, it is submitted that the petitioners are men of clean antecedent.

5. Learned APP duly assisted by learned counsel appearing on behalf of the complainant opposed the prayer of bail but, fairly conceded that a title suit regarding specific performance is pending between the parties.

6. In view of aforesaid factual submissions and by taking note of fact as a title suit is pending between the parties, as aforesaid, where implication appears out of land dispute, accordingly, all above-named petitioners are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned Judicial Magistrate-1st Class, Patna in connection with Complaint Case No.2846 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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