

COURT OF ADDITIONAL SESSIONS JUDGE - III, KISHANGANJ

B.P No. 116/2026 arising out of Kishanganj P.S Case No. 97/2026 u/ss 126(2), 115(2), 308(5), 352 & 351(2) r/w 3(5) of B.N.S.

1. Salim aged about 48 years s/o Late Jamaluddin @ Tepwa

2. Mukhtar @ Kailu aged about 38 years s/o Late Jamaluddin @ Tepwa; Both r/o Faringora, P.S Kishanganj, District Kishanganj

... PETITIONERS

Versus

State of Bihar

... O.P

24.04.2026/ORDER

Heard on bail of petitioners 1. Salim s/o Late Jamaluddin @ Tepwa in judicial custody since 07.03.2026 and 2. Mukhtar @ Kailu s/o Late Jamaluddin @ Tepwa in judicial custody since 09.03.2026. Copy of the petition has been served to the Ld. A.P.P. Perused the case diary and case record.

2. Petitioners certify that no bail application has been preferred earlier before this court or the Hon'ble Court. Petitioner Salim has criminal history in two case whereas petitioner Mukhtar @ Kailu has criminal history in three case.

2.1 Besides general averments, plea of innocence and false implication; submission has been made that the accused persons are languishing in judicial since long without any fault. Petitioners have been falsely implicated in this case for the purpose of extortion and illegal possession over the petitioner's land. As a matter of fact, the land mentioned in the F.I.R is the ancestral land of the petitioners which has not been divided among the heirs. A case is pending in the Ld court of Sub - Judge - 1st Kishanganj titled T.S No. 05/2019 but the land has been illegally occupied by other heirs in connivance with the informant of this case. All the sections areailable in nature except section 308(5) of B.N.S which is not made out given that there is no delivery of money and has been added ornamentally to make the case serious. Nothing has been recovered from the petitioners. The nature of weapon varies from the statement of witnesses making the allegations false. Prayed for bail.

3. Ld. APP opposed the bail.

4. Informant submits that he performed sale agreement along with Narayan Chandra Sah and others bearing Sale Deed Nos. 292 dated 16.01.2023 and 5273 dated 11.08.2016 pertaining to certain land at Mauza Faringora comprising a total area of one acre 40.35 decimal. In recent times the accused persons started to make demand of rangdari while threatening to implicate the

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informant in false case. On 22.01.2025 the informant gave a petition to the S.H.O, Kishanganj which was presented before the Janta Darbar. The accused never honoured the authorities nor submitted any document in support of their claim. On 01.02.2026 when the informant reached his land the accused Salim along with his brother and two women holding hasua in their hand were present on his land. Salim demanded 20 lakh rupees which was questioned by the informant. The accused threatened that if the informant fails to deliver the extortion money he would not be allowed to put his feet on the land. When the informant told that he would complain to the authorities he was pushed and the accused snatched some 20 thousand rupees from his pocket. The informant fled from the field in order to save his life. The accused persons are in the habit of demanding extortion.

5. Allegation against the petitioners is primarily committing extortion upon the informant.

5.1 Admittedly there is no delivery of extortion money. A title suit also appears to be contested from the side of accused persons available on the case record. Witnesses appear to be close to the informant. Case has been found not true against other 03 named accused persons by the supervising authority.

6. Considering all facts and circumstances, submissions and discussions; and taking into account the period of judicial custody undergone by the petitioners I am inclined to enlarge the petitioners on bail. Bail stands **allowed**.

6.1. Petitioners shall be released upon furnishing bail bond of Rs.10,000/- (TEN THOUSAND) with two sureties of the like amount each to the satisfaction of the Ld. Trial Court with the condition that one of the bailors shall be a close relative of the petitioner/s.

Dictated

Sd/-

Additional Sessions Judge – III

Date of Judgment / Order	24-04-2026
Date of reserving Judgment /Order	24-04-2026
Uploading Date	25-04-2026
Uploaded by	Steno