

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28442 of 2014

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1. Dhirendra Kumar Son of Shambhu Singh @ Shambhu Prasad Singh
2. Shambhu Singh @ Shambhu Prasad Singh Son of Brijnandan Singh
Both are resident of Village Rukunpura, Bichli Gali, P.S. Shalimpur,
District Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. C.Sen.Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 08-04-2015

Heard both sides.

The petitioners apprehend their arrest in a case registered under Sections 384, 387, 306, 366(A)/34 of the Indian Penal Code.

The informant alleged that his sister Sonam Kumari left her house after leaving a letter with photograph. She wrote in her letter that petitioner no. 1 Dhirendra Kumar has black mailed her and she has already given him Rs.90,000/- and the ornaments of rupees two lacs but the boy further demanded rupees five lacs.

Learned counsel for the petitioners submits that during the course of investigation it has come that the Sim by which the telephone was made to the sister of the informant was



of one Prashant Kumar, who disclosed the name of Dharamveer Kumar. One Sushila Devi has stated that the girl was found in the company of three boys. It is further submitted that there was marriage negotiation and the photograph of petitioner no. 1 was sent to her family. The petitioner was injured much prior to the lodging of this case and he was under treatment in different Hospitals. The I.O. has not collected any thing in the case. It is further stated that there is absolutely no allegation against Shambhu Singh, father of petitioner no. 1.

On perusal of the record it appears that the informant has made a very specific allegation against Dhirendra Kumar that his sister left a letter at the time of leaving the house with a photograph. Sonam Kumari made a very specific allegation that Dhirendra Kumar took Rs.2,90,000/- and thereafter again demanded rupees five lacs on threat of black mailing and killing the victim girl. The victim is still traceless.

Considering the nature of allegation, I am not inclined to grant anticipatory bail to petitioner no. 1 Dhirendra Kumar in connection with Fatwah P.S. Case No. 52 of 2014 pending in the court of the Additional Chief Judicial Magistrate, Patna City. Accordingly, his prayer for grant of anticipatory bail is rejected.

So far as petitioner no. 2 Shambhu Singh alias Shambhu Prasad Singh is concerned, there appears to be no specific allegation against him in the entire F.I.R. except the fact that in the concluding part of the F.I.R. the informant named petitioner no. 2 as the person who was also black mailing his sister Sonam Kumari but there is no material to support this allegation.

Considering the facts aforesaid, let petitioner no. 2 Shambhu Singh @ Shambhu Prasad Singh, in the event of arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, be directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Patna City in connection with Fatwah P.S. Case No. 52 of 2014, subject to the conditions as laid down under Section 433(2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Jha, J)

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