

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28062 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -RAMKRISHNANAGAR District- PATNA

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Gautam Kumar, S/o Santosh Patel, Resident of Dhelwan, P.S. Ram Krishna Nagar, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Shri Kumar Kaushlendra, Advocate

For the State : Smt. Asha Kumari, APP

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 22-07-2015

Heard.

Let the petitioner surrender and pray for regular bail before the learned Judicial Magistrate, 1st Class, Patna who is seized with Ram Krishna Nagar P.S. Case No. 18 of 2015 (G.R. No. 622 of 2015) dated 27.01.2015.

Let the learned Magistrate go through the typed report which was filed after two days of the incident and then consider the definition of extortion as contained in Section 383 of the Indian Penal Code. Mere snatching of a property or relieving some of his properties is not extortion. If threat is held out or if threat of causing grievous injuries or both is held out and on such threat any property is delivered voluntarily by the person threatened, then only these acts could be constituting the offence of extortion. The Court believes that

the learned judge will find that the facts stated may not be constituting an offence under Section 385 of the Indian Penal Code. It may further be found by the learned Magistrate that that allegation also appears in the closing lines of the report. As regards the allegations of theft, submission was that the snatched chain was found lying at the very place of occurrence. The court shall consider these submissions to be advanced before it under the circumstance of the belated lodging of the First Information Report.

With the above observations, the petition stands disposed of.

(Dharnidhar Jha, J.)

Sanjay/-

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