

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47441 of 2014

Arising Out of PS.Case No. -212 Year- 2014 Thana -MAKHDUMPUR District- JEHANABAD

1. Rahul Kumar @ Sinku Son of Late Ram Narayan Prasad,

2. Banke Bihari Son of Late Munni Yadav

Both resident of village- Dharnai, Police Station - Makhdumpur, District -
Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 14-05-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend arrest in Makhdumpur P.S.
Case No. 212 of 2014 dated 21.08.2014 instituted under Sections
341/323/385/353/34 of the Indian Penal Code.

The allegation against the petitioners is that they
along with the others had demanded extortion from the

construction company involved in constructing his godown.

Learned counsel for the petitioners submits that on the basis of the complaint lodged by the construction company before the Circle Officer, the same was forwarded to the police resulting in institution of the case. It is submitted that later on the construction company has written to the Circle Officer stating that from the crowd wrongly the name of the petitioners was mentioned and that they are not involved in the incident and the matter has been compromised between them. It is further submitted that the Circle Officer has also forwarded the same to the police along with his own comment that the F.I.R. itself needs to be consigned.

Learned A.P.P. submits that now there is no real apprehension to the petitioners being arrested in light of the application by the construction company which was forwarded with a favourable note by the Circle Officer to the police and thus the present application is not maintainable.

Considering the facts and circumstances of the case, this Court finds substance in the submission of learned A.P.P.

The petitioners, if so advised, may surrender before the court below and seek regular bail in light of the aforesaid developments as the complainant himself has given a clean-chit to

the petitioners.

Accordingly, the application stands disposed off.

However, in the event the petitioners surrender and pray for regular bail before the court below, the same shall be considered, preferably on the same day, on its own merits without being prejudiced by the fact that the Court has not interfered in the matter on merits and only on the ground that there was no reason to believe that the petitioners may be arrested.

(Ahsanuddin Amanullah, J)

Anjani/-

U		T	
---	--	---	--