

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30362 of 2014

Arising Out of PS.Case No. -244 Year- 2013 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Prabhu Singh S/o Late Durga Singh
 2. Reema Devi W/o Prabhu Singh
 3. Shambhu Singh S/o Late Durga Singh
 4. Ajay Singh S/o Jagat Singh
 5. Vijay Singh S/o Jagat Singh
 6. Umrawati Devi W/o Shambhu Singh
- all are resident of village- Rai Patti Bhataha, P.S.- Sugauli, Distt.- Motihari
7. Uday Singh S/o Madhusudhan Singh resident of village- Dhan Khariya, P.S.- Harsidhi, Distt.- Motihari

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-01-2015 Heard learned counsel for the petitioners and learned

counsel representing the State.

Petitioners apprehend their arrest in connection with

Sugauli P.S. Case No. 244 of 2013 registered for the offences

punishable under Sections 323, 504, 392, 386 of the Indian Penal

Code.

Allegedly the accused persons had demanded rupees

three lacs as ransom from the informant six months ago which was

not fulfilled, then on 15.7.2013 when the informant was returning



from Harsidhi, the accused persons surrounded him and again demanded ransom within 2-4 days and on 18.7.2013 at about 6.30 pm the accused persons being armed with pistol, gun, bomb etc. surrounded the informant stopping his motorcycle and on the point of pistol got him down, dragged him towards sugarcane field and threatened to kill him and Prabhu Singh took out rupees five thousand from his pocket and suspecting the vehicle is coming, they relieved the informant and after causing threats they fled away.

Submission is that the FIR has been lodged on the basis of complaint petition. The occurrence is of 18.7.2013 whereas the complaint petition has been filed on 31.7.2013. It is further submitted that the Police after investigation did not find case true and final form was submitted only under Sections 323 and 504 of the Indian Penal Code but the learned A.C.J.M., differing with the materials available in the case diary took cognizance under Sections 323, 504, 392 and 386 of the Indian Penal Code.

Learned APP duly assisted by the learned counsel representing the informant opposes the prayer for bail by submitting that the petitioners have committed the crime with common intention.

In the facts and circumstances stated above, considering the delay in filing the complaint petition and further no injury has been caused to the informant and Police after investigation did not find case to be true under Sections 392 and 386 Indian Penal Code, the petitioners above named, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Motihari in connection with Sugauli P.S. Case No. 244 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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