

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22918 of 2015

Arising Out of PS.Case No. -19 Year- 2014 Thana -CHENARI District- SASARAM (ROHTAS)

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1. Shiv Baitha son of Faudar Baitha resident of Village- Silari, P.S. Sheosagar, District- Rohtas.
 2. Nathuni Baitha son of Maina Baitha, resident of Village Pachpokhari, P.S. Kudra, District- Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray

For the Opposite Party/s : Mr. Sangita Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 21-09-2015 The petition on behalf of petitioner no.2 Nathuni Baitha has been withdrawn under order dated 14.05.2015.

Heard learned counsel for petitioner, Shiv Baitha and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 386, 392, 506 and 34 of the Indian Penal Code.

It is alleged by the informant and his wife who are doctors that they are running Ujjawal Nursing Home at Kudra. The petitioner Shiv Baitha lodged a false case in the year 2012 against the informant and his wife to put pressure upon him to extort illegal money. On 17.10.2012, the informant received a letter in which Rs.10 lakhs had been demanded otherwise to be



ready for dire consequences and after some days the informant received a call in his mobile bearing no.9934733158 from mobile bearing no.9576476565 for demand of extortion money. In this regard, the brother of informant, namely, Ranjit Kumar Singh gave information before police with above mentioned letter of accused. In the month of January, 2013 the petitioner along with two other unknown persons came at the Nursing Home to make a pressure for lodging false case. On 21.10.2013, the informant and his brother, namely, Ranjit Kumar Singh were going to Sasaram. The informant withdrew Rs.50,000/- from his bank and returned with his brother and saw the petitioner and stopped the motorcycle and asked the informant to give Rs. 10 lakh otherwise his son will be kidnapped. Accused persons snatched Rs. 50,000/- and a golden ring from the informant and while fleeing away threatened him not to disclose about the occurrence to anyone. Thereafter informant recorded his fardbeyan before the officer-in-charge, Chenari P.S. When police did not register First Information Report, the informant after eleven days filed complaint petition before the learned CJM, Rohtas bearing Complaint Case No. 1101 of 2013.

Learned counsel for the petitioner submits that petitioner has got no criminal antecedent. It is also submitted that prior to the

institution of the present case, a case was instituted by the petitioner against the informant and his wife on 17.10.2012, subsequently the chargesheet was submitted in the said case on 30.09.2013 and cognizance was taken on 22.10.2013 and thereafter the present complaint case was filed on 23.10.2013 which was subsequently sent for institution of FIR under Section 156(3) of the Cr.P.C. It has been submitted that the petitioner is a lady and there is no specific allegation against her.

On behalf of the State and the informant, it is submitted that the petitioner is named in the FIR and the specific allegation has been made against him.

Considering the aforesaid facts, let the petitioner, namely, Shiv Baitha, in the event of his arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri A.P.Choudhary, Judicial Magistrate, Ist Class, Rohtas in connection with Chenari P.S.Case No.19 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is further directed that during the pendency of the case, the petitioner shall not tamper with the evidence.

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(Sudhir Singh, J)