

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15743 of 2016**

Arising Out of PS.Case No. -7 Year- 2014 Thana -KIHIRI MORE District- PATNA

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Ganesh Sao @ Ganesh Sah @ Hippi Sao, Son of Late Chutur Sao, resident  
of Village-Imamganj, P.S. Khiri More, District-Patna

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anita Kumari Singh, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      25-05-2016                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Petitioner is languishing in custody since 28.02.2016 in  
connection with Khiri More P.S. Case No. 07 of 2014 for the  
offences alleged under Sections 385 and 506 of the Indian Penal  
Code and Section 17 of the C.L.A. Act.

The prosecution case is that the petitioner had  
threatened Dinesh Bhagat, the owner of Mohan Book Centre to  
pay Rangdari and in the event of non-fulfillment of the same, to  
kill him. It has been alleged in the written report that from Mobile  
No. 7654964302, a call was made to the said Dinesh Bhagat. It has  
also been alleged that due to fear of Naxal organization, none of  
the shopkeepers of Imamganj freely complain against such

demand of Rangdari by the activists of that organization. It has been specifically alleged against the petitioner that he is aligned with gang of Kaushal Mahto and had been released from the jail some days prior to the occurrence.

It has been submitted by the learned counsel for the petitioner that the Mobile number from which the shopkeeper Dinesh Bhagat got a call for ransom is upon investigation, has been found to be in the name of another person and simply because he had earlier a criminal antecedent, he has been falsely implicated by the witnesses in the aforesaid case. He further submits that no case under Sections 385 and 506 of the Indian Penal Code is made out and even otherwise they are bailable and no offence under Section 17 of the C.L.A. Act has been committed by the petitioner and it is only on the basis of suspicion that the petitioner has been named in the First Information Report.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and has criminal antecedent, hence, opposes the prayer for bail.

Be that as it may, since no overt act has been alleged to have been committed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the

satisfaction of learned Additional Chief Judicial Magistrate-III, Danapur, Patna in connection with Khiri More P.S. Case No. 07 of 2014.

However, it is made clear that keeping in view the criminal antecedent of the petitioner as the petitioner is already chargesheeted, the petitioner will appear before the Court as and when required and failure to appear on two consecutive dates will be liable for cancellation of his bail bonds by the learned Court below without being prejudiced with this order. It is also made clear that since the petitioner is accused in other cases earlier, if in future, the petitioner is found indulging in a case of similar nature, the learned court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced with this order.

**(Nilu Agrawal, J)**

Vats/-

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