

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20051 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -KATIHAR District- KATIHAR

1. Moti Sarkar Son of Late Asit Sarkar, Resident of village- Shitala Asthan,
P.S.- Katihar (Sahayak), District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mr. Ashok Kr.Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-05-2016

Heard learned counsel for the petitioner and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 387, 504/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that the petitioner entered into the shop of the informant and started assaulting him. When the employees of the informant tried to rescue then the accused persons pointed pistol and threatened to kill them. The petitioner is alleged to have demanded Rs. 20,000/- as extortion and in case of non payment threatening of inflicting fire-arm was given.

It is submitted by the learned counsel for the petitioner that there was a dispute with regard to charging

more money for the goods purchased by the petitioner from the shop of the informant, since they were on familiar terms from before. It is further submitted that the accusation with regard to pointing arms is against co-accused and even assuming the accusation against the petitioner at best the offence under Section 385 of the Indian Penal Code is made out, which is bailable. The C.C. T.V. footage had shown before the learned court below which shows some kind of scuffle between the parties.

Considering the nature of accusation, it is a case for consideration of prayer for regular bail of the petitioner, let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Katihar (Sahayak) P.S. Case No. 57 of 2016, pending in the court of learned Chief Judicial Magistrate, Katihar.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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