

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15376 of 2016

Arising Out of PS.Case No. -287 Year- 2015 Thana -KADAMKUAN District- PATNA

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Bimlesh Kumar S/o Sri Shiv Shankar Singh R/o Village Bilari, P.S.
Kargahar, Dist. Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kamal Nayan Chaubey, Sr. Advocate.

For the Opposite Party : Mr. M.Haque (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-05-2016 Heard Shri Kamal Nayan Chaubey, the learned Senior
counsel for the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in Kadam Kuan
P.S. Case No. 287 of 2015, registered for the offences punishable
under Sections 384, 387, 504 and 506 of the Indian Penal Code.

The informant teacher of St. Michael School, Patna
alleged that on her mobile number 9470246758 a call was made
from mobile number 9852665933 and extortion was demanded. It
is further alleged that thereafter the caller in the aforesaid mobile
sent filthy and vulgar messages.

Shri Kamal Nayan Chaubey, the learned Senior counsel
appearing on behalf of the petitioner has submitted that no offence
under Sections 384 and 387 of the Indian Penal Code is made out.

Other Sections are bailable. No threat was given to the informant nor anything was delivered in pursuance of the call. It is further submitted that petitioner is a fresh engineer and somebody might have misused his mobile.

On perusal of the case diary, it appears that the petitioner is the owner of the SIM card and it was he who made calls and sent filthy and vulgar messages to the lady teacher.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail in Kadam Kuan P.S. Case No. 287 of 2015, pending in the court of the learned Chief Judicial Magistrate, Patna. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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