

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25825 of 2016

Arising Out of PS.Case No. -301 Year- 2015 Thana -KHAJEKALA District- PATNA

Ashish Kumar, Son of Dinesh Das, Resident of Near Sarvoday Academy,
Nun ka Chauraha, PS Khajekalla, District Patna. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Niraj Kumar, Advocate.

For the Opposite Party/s : Mr. Md. Ashlam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-08-2016

Heard both sides.

The petitioner apprehends his arrest in Khajekala P.S.

Case No. 301/15 registered under Section 387 of the Indian Penal Code.

The informant Jai Kumar named the petitioner and two others and alleged that during the period of last many months, the petitioner and others were demanding extortion from him. It is further alleged that on 05.07.2015, at about 7:00 in the morning, while the informant was going to attend the patients, the petitioner and two others intercepted and abused him and also demanded extortion. On 30.07.2015, the informant filed an informatory petition before the Additional Chief Judicial Magistrate, Patna City about the occurrence. The informant further alleged that on 01.09.2015, at about 12:15 in the night, Sunil Kumar called him on his Mobile No. 7677394401 and demanded extortion. Sunil

Kumar again called him on his mobile at 12:18 P.M. and abused the informant.

Learned counsel for the petitioner submits that the petitioner is said to have intercepted the informant on 05.07.2015 but no information was given to the police or the court on 05.07.2015. The last occurrence took place on 01.09.2015 and the informant gave information to the police and other officials on 02.09.2015 through post. It is further submitted that the true fact is that the informant is accused in the murder of Anil Kumar for which Khajekala P.S. Case No. 144/13 was registered under Sections 307/34 of the Indian Penal Code. Later on, after the death of Anil Kumar, Section 302 IPC was added. The petitioner happens to be the Bhagina of Sunil Kumar and, that is why, the petitioner has been falsely implicated in this case. The petitioner has got no criminal antecedent.

Learned counsel for the informant has, however, vehemently opposed the prayer for anticipatory bail and submitted that the petitioner also demanded extortion from him on 05.07.2015.

From perusal of the FIR itself, it appears that the informant alleged that for last many months extortion was being demanded but the informant did not inform any police official.

The informant further alleged that on 05.07.2015 he was intercepted by the petitioner and other accused persons and extortion was demanded but the informant did not lodge any case immediately after the occurrence. The informant only sent a petition through post on 02.09.2015 with regard to the occurrence dated 01.09.2015 by which the informant alleged that Sunil Kumar called him on his mobile and demanded extortion. It appears that the informant himself is an accused in the murder of Anil Kumar, brother of Sunil Kumar, and the case is pending since 2013 against the informant.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna City, District Patna in Khajekala P.S. Case No. 301/15, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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