

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14777 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -DURAULI District- SIWAN

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Anil Tiwari Son of Umakant Tiwari, Resident of village- Babnauli, P.S.-
Vijayipur, District- Gopalganj

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Harendra Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 04-05-2016

Heard learned counsel for the petitioner and the learned

Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Darauli P.S.Case No. 10/2016, disclosing offences under
sections 386, 506 of the Indian Penal Code.

It is alleged against the petitioner that he threatened the
informant of killing him, on his cellphone, from his mobile No.
7278189802.

Learned counsel for the petitioner has submitted that
even if the allegation, as contained in the First Information Report,
is treated to be true, no offence under section 386 of the Indian
Penal Code is made out in absence of any allegation of demand of
extortion. Learned counsel for the petitioner has further submitted
that the said mobile number does not belong to the present
petitioner.

Learned Addl. Public Prosecutor, appearing on behalf of the State, has opposed the prayer and has submitted that the informant is a doctor posted in Government hospital and for such act of the petitioner, he should not be granted privilege of anticipatory bail.

I find substance in the submission made on behalf of the petitioner that no offence under section 386 of the I.P.C. is made out as there is no allegation in the F.I.R. of demand of extortion.

Considering the above, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, 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 Sri A.Pandey, Judicial Magistrate, 1st Class, Siwan in Darauli P.S.Case No. 10/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/ court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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