

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.269 of 2016

Arising Out of PS.Case No. -79 Year- 2015 Thana -MARAUNA District- SUPAUL

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Abhay Kumar @ Abhay Kumar Sah, son of Sri Jindelal Sah, resident of
Village- Hulaspatti, P.S.- Ghoghardiha, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Anant Kumar 1, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

9 04-07-2016

Heard both sides.

The petitioner apprehends his arrest in Marouna P.S.

Case No. 79/2015 registered under Sections 384, 385, 386 of the
Indian Penal Code.

The informant alleged that from Mobile No. 8873898897, a call was made and extortion was demanded. Sri N.K. Agrawal, learned senior counsel for the petitioner, submits that the first call was made on 30.04.2015 but the informant did not lodge a case immediately thereafter. The caller disclosed his name as Radhe Sah but he was murdered on 07.05.2015 and the present case was lodged on 08.05.2015. The name of the petitioner figured in the case in the confessional statement of Ram Shankar Kumar, who happens to be the brother-in-law of the petitioner. It is submitted that save and except the confessional statement of the

brother-in-law of the petitioner, the police has not collected any other material to show the involvement of the petitioner. The call was made from Mobile No. 8873898897 and extortion was demanded but from perusal of Para 77 of the case diary, it would appear that the holder of the aforesaid mobile is Sunita Ojha, wife of Dharmendra Ojha, 165 Trigun Dehri, District Rohtas and the SIM was issued by M/s R.K. Enterprises situated in Pali Road, Dehri.

It appears that the name of the petitioner figured in the confessional statement of Ram Shankar Kumar. Ram Shankar Kumar disclosed that when he went to collect the extortion amount as his brother-in-law asked him to go at a place to collect money from a person and when he went there, he was apprehended by the police. He also disclosed that Radhe Sah happens to be the relative of Abhay Kumar, his brother-in-law.

Considering the fact that it was none else than the brother-in-law of the petitioner, who disclosed the name of the petitioner while he had gone to collect extortion money, I am not inclined to enlarge the petitioner on anticipatory bail in Marouna P.S. Case No. 79/2015, G.R. No. 803/2015. Accordingly, the same is rejected.

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(Prabhat Kumar Jha, J)