

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50424 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -BELHAR District- BANKA

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Sharwan Sah @ Sharawan Sah Son of Late Ram Prasad Sah @ Late Ram Prasad Saha, R/o Village- Sahebganj, P.S.- Belhar, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda
For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 30-10-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Belhar P.S. Case no. 01 of 2017 initially registered for the offence punishable under Sections 419, 420, 409 of the Indian Penal Code and later on Section 409 of the I.P.C. was corrected as 406 of the Indian Penal Code.

The petitioner is said to have taken Rs. 2,50,000/- in four installments from the informant assuring him to manage job for him in the Block Office, but neither he managed the same nor returned the money rather extended threatening of dire consequences on demand of money.

It is submitted by the learned counsel for the



petitioner that the petitioner has not taken any money from the informant and has also never given any assurance to manage job for him. As a matter of fact, the brother of the petitioner Bhola Sah was murdered regarding which Belhar P.S. Case no. 178 of 2015 has been instituted against Nandeshwari Yadav and others. The said Nandeshwari Yadav who happens to be Mukhiya of the Panchayat has been instrumental in filing the case against the petitioner out of aforesaid grudge. There is no evidence of giving money to the petitioner by the informant. Moreover, entering into any agreement or contract for said purpose is unlawful and no case is maintainable for the said cause. The petitioner has been languishing in custody since 26.05.2017.

Considering the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Banka in connection with Belhar P.S. Case no. 01 of 2017.

(Prakash Chandra Jaiswal, J)

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