

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.106 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -BIHRA District- SAHARSA

- =====
1. Dhirendra Pathak, s/o late Dayanand Pathak,
 2. Vijyanand Pathak @ Vijya Anand Pathak, S/o late Chaturanand Pathak,
Both R/o Village- Gandaul, P.S.- Bihra, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Veena Kumari Jaiswal, Advocate

For the Opposite Party/s : Mr. Manish Kumar 2, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 11-01-2017

Heard learned counsel for the Petitioners and the
State.

The Petitioners apprehend their arrest in Bihra P.S.
Case No.39 of 2016 instituted for the offence under Section(s)
384, 386, 504, 506, 120-B/34 Indian Penal Code.

It is alleged by the informant that his villager,
namely, Pappu Deo had demanded rupees three lac on the eve of
last assembly election, which he did not pay and after the election
was over, Pappu Deo threatened to the informant of dire
consequences. It is further alleged that on 26.03.2016 at about
9.30 in the night gang men of Pappu Deo, who are named in the
First Information Report, came at his house armed with weapon
and told that it is the order of Pappu Deo that if any family



member of the informant files nomination in the Panchayat election, he will be killed. Due to fear, the informant did not come out of the house. The uncle of the informant raised objection and then he was also abused and assaulted. It is further alleged that on 27.03.2016 at 7.53 AM, Pappu Deo telephoned him on the mobile of his nephew by hurling abusive language and told that if your uncle will not pay rupees three lac then he will be killed and also directed to help one Pradeep Thakur @ Lallu Thakur in the election.

In this manner, from the entire written report, there is specific allegation of making the call on the mobile and demanding ransom against one Pappu Deo. There is no allegation of any overt act against the petitioners. These petitioners are alleged to be the gang men of Pappu Deo, but there is no such material in the written report in support of such allegation. It is mentioned in paragraph 3 of the petition that petitioners have clean antecedents except one complaint case bearing Complaint Case No.1193-C of 2009, which is under Section 498-A Indian Penal Code.

In the circumstances, prayer of the petitioners for anticipatory bail is allowed and it is ordered that in the event of surrender/arrest of the petitioners, named above, within six weeks



from today in connection with Bihra P.S. Case No.39 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sahrasa, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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