

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43425 of 2017

Arising Out of PS.Case No. -122 Year- 2016 Thana -MARKAHI District- KHAGARIA

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1. Md. Kalim @ Md. Kalimuddin S/o Late Md. Khursed	
2. Md. Mustakim S/o Ramjani	
3. Md. Jabbar S/o Sekh Shohrab	
4. Md. Akramul S/o Late Idris	
5. Md. Nasim @ Jumman @ Nasim S/o Ramjani All residents of Village	
Rasonk, P.S. Morkahi, District Khagaria	 Petitioners
Versus	
1. The State of Bihar	 Opposite Party

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Appearance :

For the Petitioners	:	Mr. Sada Nand Roy, Adv.
For the State	:	Mr. Satyendra Prasad, APP 133
For the informant	:	Mr. Md. Najmul Hoda, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 20-09-2017 Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor and the learned counsel for the informant.

The petitioners apprehend their arrest in Morkahi P.S. Case No. 122 of 2016 under Sections 386/34 and 427 of the Indian Penal Code.

The informant filed complaint case on 14.09.2016 with regard to occurrence took place on 20.06.2016 on the basis of which the present first information report was lodged on 20.11.2016. The informant alleged that he was constructing kitchen set in the school, but, the petitioners came and demanded extortion and the learned counsel for the petitioners submits that the entire allegation is false and concocted.

The police, after investigation, found the case true only under Section 504 of the Indian Penal Code, but, the Judicial Officer, on protest, took cognizance also under Section 386 of the



Indian Penal Code.

The learned counsel for the informant as well as the Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail and submitted that the petitioners are strong men of the village and they demanded extortion from the informant, but, it appears that the occurrence is said to have taken place on 20.06.2016 and for reasons best known to the informant, the complaint petition, itself, was filed on 14.09.2016, i.e., almost after three months of the occurrence, thereupon the present case was lodged. The police, after investigation, found the case true only under Section 504 of the Indian Penal Code.

Considering the facts, aforesaid, the petitioners, above named, are directed in the event of their arrest or surrender, within four weeks from the date of receipt of this order, to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with **Morkahi P.S. Case No. 122 of 2016** to the satisfaction of the **Subdivisional Judicial Magistrate, Khagaria**, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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