

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60465 of 2017

Arising Out of PS. Case No.-177 Year-2014 Thana- POTHIIYA District- Kishanganj

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1. Taha Manzar, S/o- Late Alauddin, Resident of Village- Faiz Nagar, P.S.- Pothia, Distt- Kishanganj.
 2. Sultan, S/o- Late Nijat Ali, Resident of Village- Dalwa Basti, P.S.- Paharkatta, Distt- Kishanganj.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dr. Shashi Shekhar Kishore

For the Opposite Party/s : Mr. JAGDHAR PRASAD

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2017 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 385, 379 and 504/34 of the IPC.

The prosecution case, as per the written report of Shamshad Begum, being an Angan Bari Sewika, is to the effect that while she was going to office, the petitioners used to tease her and demanded extortion of Rs. 5,000/- per month. On 31.07.2017 at 12 Noon, the informant was going to Pothia Office to attend the meeting and when she arrived at the main gate of Circle office, the petitioners surrounded the informant and demanded extortion of Rs. 1 lakh immediately and Rs. 5,000/- per month. On protest being made, the petitioners



abused the informant and when the public gathered near the place of occurrence, they snatched bag of informant, containing government papers and Rs.5,000/- and escaped from scene.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of the fact that petitioner no.1 is an RTI activists and petitioner no.2 is on inimical terms with the informant since long. Petitioner no.2, Sultan lodged Pothia P.S. Case No. 63 of 2014, with accusation under Sections 341, 323, 504, 427/34 of the IPC against the father-in-law, brother-in-law and the husband of the informant, wherein they have been charge-sheeted. The same has been brought on record as Annexure-2 (series). From perusal of the FIR, it appears that only non-bailable offence is Section 379 of the IPC and on conclusion of investigation, the charge-sheet was submitted under the bailable provisions of the IPC, but differing with the final form, cognizance was taken under Section 379 of the IPC also. A statement has been made in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.

Considering the nature of accusation, when on conclusion of investigation, the same was not found true, let the above



named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M., Kishanganj in connection with Pothia P.S.Case No. 177 of 2014, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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