

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2006 of 2017

Arising Out of PS.Case No. -24 Year- 2013 Thana -MARHAURA District- SARAN

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1. Devendra Kumar Singh @ Rajesh Kumar Singh
 2. Gajendra Prasad Singh, both are sons of Harendra Prasad Singh @
Hiraman Prasad Singh, resident of village- Salimapur, P.S. Morhowrah
District- Saran at Chapra Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Narendra Kumar, Advocate

For the Opposite Party : Mr. Sri Yogendra Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 20-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Morhowrah P.S. Case No. 24 of 2013, registered for the offences punishable under Sections 341, 448, 384, 387, 504 and 506/34 of the Indian Penal Code.

Allegedly, through telephonic call the informant was abused and extortion money was demanded and thereafter petitioner Devendra Kumar Singh came to his school and abused and assaulted the informant and demanded Rs. 5,000/- as extortion money. The informant replied that he could not give money as the same was for distribution of dress to the students. The petitioner Gajendra Prasad Singh, who is posted as teacher in the said school was also accompanying the petitioner Devendra Kumar Singh. After investigation the police found the case true only under bailable sections of the Indian Penal Code and submitted charge



sheet under Section 323, 504 and 506 of the Indian Penal Code, but disagreeing with the opinion of the police cognizance has been taken for the offences punishable under Section 341, 323, 384, 387, 504 and 506/34 of the Indian Penal code.

Submission is of false implication and that during investigation the case has not been found true under Section 384 & 387 of the Indian Penal Code and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. fairly submits that charge sheet has been submitted under bailable sections, but cognizance has been taken under non-bailable sections also.

In the facts and circumstances as stated above, petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Saran at Chapra, in connection with Morhowrah P.S. Case No. 24 of 2013, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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