

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19916 of 2018

Arising Out of PS.Case No. -26 Year- 2018 Thana -ITADHI District- BUXAR

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1. Ravindra Pathak, Son of late Bhuneswar Pathak
 2. Amrit Raj Pathak@ Chhotu Pathak
 3. Upmanyu Pathak, Both Son of Sri Ravindra Pathak All are R/o- Vill + P.S. Itadhi, Distt. Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 05-04-2018

Heard learned counsel for the petitioners and

learned APP the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 384, 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Sanjay Yadav dated 09.02.2018 submitted to the Station House Officer of Irarhi is to the effect that on 09.02.2018 at 12.00 P.M. the informant was working in the premises of Gautam Budha Public School, in the meantime, the three petitioners and one Chhotu Pathak along with 10 unknown



persons came on motorcycle and asked the informant to open the gate. When the informant made protest they scaled the boundary of the school. Petitioner no. 1 Ravindra Pathak caught hold the collar of the informant and two persons were assaulted when on alarm being raised the teachers and the children came, and made protest then they were also assaulted. The accused persons snatched two mobiles and gold chain of the informant. The accused persons also threatened that until the extortion amount is paid informant side will not be allowed to run the school.

It is submitted by learned counsel for the petitioners that the petitioners have been roped in with false accusation in retaliation to Itarhi P.S. Case No. 154 of 2016 lodged against the informant at the hands of the petitioners' side in 2016 with accusation of forgery. There is a counter version of the occurrence also as the petitioner no. 1 lodged Itarhi P.S. Case No. 27 of 2018 against informant side with accusation under Sections 323, 504, 506, 379, 325, 420 of the Indian Penal Code and Section 27 of the Arms Act, as contained in Annexure-2. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the



accusation is specific against the petitioners.

Considering the nature of accusation and the case lodged by the petitioners' side at earlier point of time coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. Case No. 26 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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