

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20094 of 2018

Arising Out of PS.Case No. -294 Year- 2014 Thana -KHARAGPUR District- MUNGER

=====

Teesh Mar Khan @ Uttam S/o Shiv Charan Paswan, R/o Village- Bihiya ,
P.S.- Shampur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-04-2018

Heard learned counsel for the petitioner and

learned APP the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 387/34 of the Indian Penal Code.

The prosecution case got initiated with the written report of Shashi Yadav dated 11.12.2014 submitted to Assistant Officer-in-charge, Kharagpur P.S., to the effect that on 11.12.2014 the informant being the driver of the truck was transporting FCI goods loaded in the truck to Kharagpur, but on the way, five persons stopped the truck and demanded Rs.1,000/-. The informant expressed his inability in giving the said amount, but, in the meantime, three other trucks also



reached there and then the informant tried to catch hold of the accused persons namely, Teesh Mar Khan, the petitioner, Lalu Yadav, Pawan Mandal, Shashi Paswan and Mukesh Kumar, but they managed to escape but one person was apprehended who disclosed his name as Mukesh Kumar. The informant claims to have identified the accused persons since they used to demand Rs.1,000/- from the informant, on earlier occasion also.

It is submitted by learned counsel for the petitioner that from the FIR, it appears that the apprehended accused did not disclose the name of the co-ccused persons who are alleged to have demanded Rs.1,000/- but they have been named in the FIR with their parentage and residential address which suggests that the informant was either known to the petitioner or FIR has been lodged with malicious accusation. It is further submitted that even assuming the accusation to be true, no case is made out under Section 387 of the Indian Penal Code. The accusation at best constitutes the offence under Section 385 of the Indian Penal Code which is a bailable offence. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the petitioner is named in the FIR.



Considering the fact that the accusation is omnibus and general and that the petitioner was not apprehended at the spot, moreover, the only accusation is of demand of extortion, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned SDJM, Munger in connection with Kharagpur (Shampur) P.S. Case No. 294 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

