

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57897 of 2018

Arising Out of PS. Case No.-196 Year-2018 Thana- MIRGANJ District- Gopalganj

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Samsher, Son of Akhtar Ansari @ Ali Akhtar, Resident of Village- Imali
Lakari Dargah, P.S.- Berharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Md. Ashlam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

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

The prosecution case as per the written report of Satyendra
Prasad dated 09.07.2018, submitted to the SHO, Mirganj Police
Station, is to the effect that on 07.07.2018, through Mobile No.
7320891405, extortion of Rs. 5 lacs was demanded by the
informant and in case of non-payment of extortion, threat to life
was also given. Similar call was again received by the informant
on 09.07.2018. Though, the FIR was registered against
unknown, but subsequently during investigation, one Arif Raja
was apprehended, who named four persons including the



petitioner.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, the offence under Section 387 IPC is not made out against the petitioner, rather at best the offence under Section 385 IPC is made out, which is a bailable offence. Moreover, the name of the petitioner sprang up on the confession of co-accused. There is no recovery from the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the name of the petitioner sprang up on the confession of the co-accused.

Considering the nature of accusation and the fact that the name of the petitioner sprang up on the confession of co-accused, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-XVI, Gopalganj, in connection with Mirganj P.S. Case No. 196 of 2018, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

The investigating agency will be at liberty to file an appropriate application for cancellation of bail of the petitioner if he fails to co-operate during investigation.

(Dinesh Kumar Singh, J)

Amrendra/-

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