

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62102 of 2018

Arising Out of PS.Case No. -282 Year- 2018 Thana -MANER District- PATNA

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Rohit Kumar @ Harshit Kumar, Son of Dhananjay Kumar, Resident of
Village- Sherpur Babhan Toli, P.S.- Maner, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 08-10-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 341,
323, 384 and 504/34 of the Indian Penal Code.

The prosecution case, as per the written
report of Abhisek Kumar dated 10.06.2018 submitted to the
Station House Officer, Maner P.S., is to the effect that on
08.06.2018 at 6.30 P.M. the informant was going on a
motorcycle, in the meantime, co-accused Nitish Kumar Yadav,
Rajneesh Kumar Yadav and 3-4 unknown persons assaulted
the informant with fists and slaps and took away Rs.500/- from
the pocket of the informant. Again on 10.06.2018, co-accused



Nitish Kumar Yadav, Rajneesh Kumar Yadav and the petitioner, Rohit Kumar came on a Pulsar motorcycle and demanded Rs.Two lakhs as extortion and on arrival of the police they escaped from the scene while leaving the motorcycle from the place of occurrence.

It is submitted by learned counsel for the petitioner that the petitioner and the informant are co-villagers and in the background of some dispute with regard to a pathway, the accusation has been levelled against the petitioner and even assuming the accusation to be true the only non-bailable offence is Section 384 of the Indian Penal Code which is not made out. It is further submitted that the accusation, at best, suggests the commission of offence under Section 385 of the Indian Penal Code which is a bailable offence. Moreover, for the initial occurrence of 08.06.2018, the FIR was lodged on 10.06.2018 which reached to the Court of learned Judicial Magistrate on 14.06.2018, which suggests that the FIR has been registered by antedating. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the delayed reaching of the FIR,



the FIR was registered for two incidences, the petitioner is named in the subsequent incident dated 10.06.2018, when accusation is omnibus and general and statement being made in paragraph 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 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 Judicial Magistrate, Ist Class, Danapur in connection with Maner P.S. Case No. 282 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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