

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30660 of 2018

Arising Out of PS.Case No. -77 Year- 2018 Thana -ARWAL District- JEHANABAD

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Lakkar Yadav, Son of Umesh Yadav, Resident of Village – Umerabad, P.S.
– Arwal, District – Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Sri Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 17-05-2018

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 387/34 of the Indian Penal Code.

It is alleged against the petitioner that the petitioner demanded extortion of Rs. One lakh from the informant, three months prior to the lodging of the case. On non-fulfillment of the demand of extortion amount, the petitioner came to the shop of the informant and abused the informant and thereafter further extortion demand was made through mobile.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no case under Section 387 of the Indian Penal Code is made out and at



best the accusation constitutes the offence under Section 385 of the Indian Penal Code, which is bailable.

This Court finds substance in the submission of the learned counsel for the petitioner. But in view of the statement made in paragraph 3 of the petition that the petitioner is having criminal antecedent and that he is accused in the cases under Sections 364 and 392 of the Indian Penal Code, hence, this Court is not inclined to grant anticipatory bail to the petitioner in connection with Arwal P.S. Case No. 77 of 2018 pending in the Court of learned Chief Judicial Magistrate, Arwal.

However, the learned Court below will consider the prayer for grant of regular bail to the petitioner, on the merits of the case, without being prejudiced by the order of this Court, if the petitioner surrenders within a period of six weeks from today.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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