

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70148 of 2018

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

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Rajnish Kumar @ Guddu Yadav @ Rajnish Kumar Yadav, Son of Ramesh Prasad, Resident of Village- Khaspur (Chakia Tola), 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 : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018

Heard learned counsels for the parties.

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

The prosecution case as per the written report of Abhishek Kumar dated 10.6.2018 submitted to the SHO, Maner Police Station is to the effect that on 8.6.2018 at 6.30 P.M. the informant was going on motorcycle. In the meantime, co-accused Nitish Kumar Yadav and the petitioner along with three-four unknown persons assaulted the informant with fists and slaps and took away Rs.500 from the pocket of the informant. Again on 10.6.2018, co-accused Nitish Kumar Yadav, petitioner and co-accused Rohit Kumar came on a Pulsar



motorcycle and demanded Rupees Two lakhs as extortion and on arrival of police they escaped from the scene while leaving the motorcycle at 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 and even assuming the accusation to be true, the only non-bailable offence is Section 384 of the IPC, which is not being made out from the facts as alleged. It is further submitted that the accusation, at best, suggests the commission of offence under Section 385 of the IPC which is a bailable offence. Moreover, for the initial occurrence of 8.6.2018, the FIR was lodged on 10.6.2018 which reached to the Court of learned J.M. on 14.6.2018, which suggests that the FIR has been registered by antedating. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the delayed lodging of the FIR, the nature of accusation and the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12



weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM, Ist Class, Danapur in connection with Maner P.S. Case No.282 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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