

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36686 of 2018

Arising Out of PS.Case No. -84 Year- 2018 Thana -MALSALAMI District- PATNA

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1. Sanjay Rai, S/o Ram Jayan Rai, R/o Rushtampur, P.S.- Raghapur,
District- Vaishali.

2. Binod Rai S/o Sakal Rai, R/o Vill.- Idna, P.S.- Athmalgola, District-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-07-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Maalsalami P.S. 84 of 2018 arising out of Complaint Case No.171 of 2018 , registered for offences punishable under Sections 147, 148, 341, 504 and 386 of the Indian Penal Code.

Allegation against the petitioners is that they had demanded extortion of Rs.10 lack from the informant and the petitioner no.1 and 2 has taken away Rs.1 lack from each pocket.

Submission of the learned counsel for the petitioners is that the impugned order itself shows that the allegation under Section 386 of the IPC is far fetched and several other allegations of snatching of Rs.1 lac from each pocket appear to be improbable. There is land dispute between the parties.

Heard learned A.P.P. and the learned counsel for the



informant. They have opposed the prayer for bail stating that he is in the habit of threatening informant as the informant is Khatiyani Raiyat whereas the petitioner is said to be purchaser of the land.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Patna City in connection with Malsalami P.S. Case No.84 of 2018 arising out of Complaint Case no.171 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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