

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70955 of 2018

Arising Out of PS. Case No.-285 Year-2018 Thana- PIRO District- Bhojpur

=====

Akh lakh Ahmad @ Ekhlakh Ahamad @ Md. Akhlakh Ahmad, S/o Md. Harun Khan, R/o Village- Piro, P.S.- Piro, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 384 and 386 of the IPC.

The prosecution case, as per the written report of Pramod Gupta, dated 28.08.2018, submitted to the Station House Officer, Piro Police Station, is to the effect that on 28.08.2018 at 3 PM, the informant received a mobile call, who abused the informant and demanded extortion of Rs. 5 lacs, failing which he threatened to kidnap the son of the informant, which has led to registration of FIR against unknown. It is further alleged that 18-20 days back, three boys on a motorcycle tried to snatch a bag by throwing chilly powder in the eye of the informant, but ultimately they could not succeed in snatching the bag. Name of



the petitioner sprang up on the confession of co-accused Saroj Kumar, who admitted that he along with co-accused Ansu Tiwari and the petitioner, Akhlakh Ahmad made a plan to terrorize the informant by demanding extortion.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no offence under Section 384 IPC is made out against the petitioner, since admittedly extortion money was not paid. It is further submitted that similarly situated co-accused, Anshu Kumar has been granted privilege of anticipatory bail, vide Cr. Misc. No. 71197 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confession of co-accused.

Considering the fact that neither the extortion money was paid nor in pursuance to telephonic call, extortion demand was ultimately executed, coupled with the 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/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 like amount each to the satisfaction of learned ACJM-VI, Bhojpur at Ara in connection with Piro P.S. Case No. 285 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

