

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15482 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -SULTANGANJ District- BHAGALPUR

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Viveka Mahto @ Viveka Nand Mahto S/o Dina Nath Mahto, R/o Village-
Belthu, P.S.- Shahkund, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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

ORAL ORDER

02/ 16-04-2018

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 385
and 387 of the Indian Penal Code.

The prosecution case got initiated with the
written report of Suresh Modi dated 14.01.2018 submitted to the
Station House Officer, Sultanganj P.S., to the effect that the
informant being a retired Junior Engineer, is doing business of
fertilizer-seeds along with his son Ajay Kumar Chaurasia. On
14.01.2018 when the informant opened his shop, he found an
extortion demand letter written by the petitioner Viveka Mahto
wherein extortion of Rs. Five lacs was demanded. Earlier also on



17.09.2016 and 23.09.2016 similar letters were transmitted to the petitioner with threatening dire consequences.

It is submitted by learned counsel for the petitioner that the father of the petitioner was under raiyat of the vendor of the informant. On purchase of the said land by informant the father of the petitioner remained under raiyat of the informant. With consent of the informant mango plantation was made on the land in question. Thereafter, the petitioner claimed the cost of plantation to the tune of more than Rs. Two lakhs then it was not paid. Consequently, a legal notice was given to the informant and thereafter as a retaliatory measure the present case with frivolous accusation has been filed against the petitioner. It is further submitted that even assuming the accusation, no offence under Section 387 of the Indian Penal Code is made out, though, at best the accusation constitutes offence under Section 385 of the Indian Penal Code which is bailable. 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 accusation is specific against the petitioner.

Considering the nature of accusation based on suspicion, in the background of dispute between the petitioner and



the informant from before, coupled with the statement 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 Additional Chief Judicial Magistrate-Ist, Bhagalpur in connection with Sultanganj P.S. Case No. 09 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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