

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37899 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- PIRO District- Bhojpur

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Gautam Kumar S/o Ganesh Prasad Singh, R/o Vill.- Kali Nagar Piro, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Pratap Singh

For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-07-2018

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 384 and 386 of the Indian Penal Code.

The prosecution case as per the written report of Rajan Kumar dated 17.02.2018 submitted to the S.H.O., Piro Police Station is to the effect that the informant received a call on his mobile phone on 16.02.2018 at 08:27 P.M. and again at 8:42 P.M. whereby the caller demanded Rupees Fifty Thousand as extortion and on non-payment of the same, threat to life was given. Caller's mobile number has also been disclosed in the written report. During the investigation the alleged SIM of the Mobile was recovered from Sikandar Kumar @Thikra, brother of the petitioner who confessed that a gang of extortionists is led by Purnavashi Ram. During investigation it also transpired that the petitioner helped miscreants in getting the alleged SIM.

It is submitted by learned counsel for the petitioner that the petitioner has been roped in as an accused in the present case



on the basis of suspicion being raised against him, only because the leader of the gang Purnavashi Ram used to reside as a tenant in the house of the petitioner. Though the petitioner has been roped in two other cases after the present case but statement has been made in paragraph 3 that he is on bail in those two case.

Learned APP submits that during investigation, materials have transpired against the petitioner.

Considering the fact that even assuming the accusation, at best, offence under Section 385 of the IPC is made out, which is bailable, 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 A.C.J.M-2, Bhojpur at Ara in connection with Piro P.S. Case No. 49 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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