

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5051 of 2019

Arising Out of PS. Case No.-86 Year-2018 Thana- SAUR BAZAR District- Saharsa

Banti Yadav @ Banti @ Bambam @ Bambam Yadav @ Krishna Kumar, son of Barun Yadav Resident of Village – Bhopatia, P.S.-Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan, Adv.

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 18.07.2018 in a case registered for the offence punishable under Sections 384,386,379,307,120B,506,34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 15.02.2018 submitted by Pankaj Kumar to the Station House Officer, Sour Bazar Police Station is to the effect that on 12.02.2018, at 9.00 A.M., co-accused, Shiv Nandan Sah came on a motorcycle at the grocery shop of the informant and demanded Rupees One Lac as extortion on the order of one accused, Vikash Yadav, who is in judicial custody.



It is further alleged that on 14.02.2018 at 8.15 P.M., the petitioner, Banti Yadav @ Bambam @ Banti came at the shop of the informant along with one unknown accused and warned the informant for non-fulfillment of the earlier demand made by co-accused Shiv Nandan Sah and thereafter resorted to fire, though the firing did not hit anyone and thereafter took away Rs.80,000/- along with other articles from the shop of the informant.

It is submitted by learned counsel for the petitioner that for the occurrence of 12.02.2018 at 9.00 A.M. and 14.02.2018 at 8.15 P.M., the FIR was lodged on 15.02.2018 at 3.00 P.M. It is further submitted that there is no recovery from the petitioner and the investigation has already been concluded. However, the petitioner is accused in several other cases of similar nature, but in most of the cases, the petitioner is not named in the FIR. In fact, the name of the petitioner has been dragged in those cases maliciously during investigation at the instance of the police and in most of the cases, the petitioner is on bail.

Learned APP for the State submits that there is specific accusation against the petitioner in the FIR.

Considering the fact that the investigation has



already been concluded and co-accused Shiv Nandan Sah has been granted bail by a co-ordinate Bench of this Court, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Saharsa, in connection with Sour Bazar P.S. Case No.86 of 2018.

Keeping in view the serious criminal antecedent of the petitioner, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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