

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6500 of 2019

Arising Out of PS. Case No.-423 Year-2018 Thana- MAJORGANJ District- Sitamarhi

1. Surendra Pandey S/o Late Ram Swaroop Pandey
2. Vidyanand Pandey @ Vidya Pandey S/o Late Ram Swaroop Pandey
Both resident of Village- Khairwa Khurd, P.O.- Majorganj, P.S. Majorganj,
District Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anita Kumari

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-04-2019 This is an application for grant of anticipatory bail in connection with Mejorganj P.S. Case No. 423 of 2018, disclosing offences under Sections 363, 341, 323, 427, 385 and 387 of the Indian Penal Code.

Allegation as per F.I.R. is that while the son of the informant was sitting in his shop, then the co-accused Abhishek Singh along with others came in a *Xylo* car and damaged the boundary (Ghera) of his shop and thereafter went to the house of petitioner no.1 and further allegation is that on 23.10.2018 when the son of the informant had gone to open the shop again the accused persons including the petitioner came there and demanded Rs.50,000/- from him on the plea that the glass of the



vehicle was broken and after some hot talks, the accused persons had taken away the son of the informant and demanded Rs.50,000/-. It further appears that the petitioners are accused in two other cases.

Submission of learned counsel for the petitioners is that the allegation of demand appears to be false and concocted, which will appear from the fact that in the F.I.R. Rs.50,000/- was demanded and in the statement recorded under Section 164 Cr.P.C. it is said that Rs.1,50,000/- has been taken away and in the statement recorded under Section 161 Cr.P.C., the son of the informant has not named these petitioners, rather he named other accused persons and the whole allegation is false and concocted and some scuffle took place due to the damage of the boundary, as such the present case has been lodged against these petitioners. It has further been submitted that co-accused Abhishek Singh has been granted bail by a Coordinate Bench of this Court vide order dated 08.01.2019 passed in Cr. Misc. No. 79609 of 2018.

Heard learned A.P.P. also, who opposed the prayer for anticipatory bail of the petitioners on the ground that the police has recovered the victim from the chimney and further the petitioners are named in the F.I.R.



Having heard both sides, in view of the facts and circumstances of the case, this application is disposed of with a direction to the petitioners to surrender before the court below within a period of six weeks from the receipt of the order and pray for regular bail, which will be considered on the basis of materials available on record, including the fact that the other co-accused person has been granted privilege of bail by a Coordinate Bench of this Court, if possible, to be disposed of on the same day.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

Amjad/-

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