

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21168 of 2019**

Arising Out of PS. Case No.-239 Year-2017 Thana- ASHTHAWAN District- Nalanda

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BASANT KUMAR, son of Sri Nanu Yadav, R/O Asthawan, P.S. -Asthawan,
District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani
For the Opposite Party/s : Mr.Manish Kumar No2

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

2 12-04-2019 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 384, 385, 504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Puneet Kumar submitted before the Station House Officer, Asthawa Police Station is to the effect that on 15.11.2017 at 12.30 P.M., the informant being the contractor of MDM scheme was going to distribute the mid day meal, in the meantime, the petitioner surrounded him and demanded Rs.30,000/- as extortion. On refusal of the same by the



informant, he started abusing and assaulting the informant and snatched Rs.5,900/- from the pocket of the informant.

It is submitted by learned counsel for the petitioner that since the petitioner and some other persons had complained against the sub-standard supply of mid day meal, hence, maliciously the false case has been lodged against the petitioner. It is further submitted that the informant has retracted from the initial version and has filed a petition to that effect before the learned Court below. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Keeping in view of the nature of accusation, this Court is not inclined to grant anticipatory bail to the petitioner. But since the informant has retracted from his initial version and has filed a petition to that effect before the learned Court below, it may be a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Asthawan P.S. Case No. 239 of 2017, pending before the learned ACJM-VI, Bihar Sharif, Nalanda.



With the above observation, this application is,
accordingly, disposed of.

(Dinesh Kumar Singh, J)

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