

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17630 of 2019

Arising Out of PS. Case No.-713 Year-2018 Thana- BANKA District- Banka *

MD. MUNABBAR @ MD. MUNAWAR HUSSSAIN, Son of Late Md. Moin, Resident of Village-Ghatera, P.S-Barahat, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-03-2019 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Banka (Barahat) Police Station Case No. 713 of 2018, disclosing offences under Sections 447, 323, 379, 427, 387 and 504 of the Indian Penal Code.

There is allegation against the persons named in the First Information Report that they attempted to demolish the wall of the house of the informant and they demanded from him extortion money. Under threat and coercion, it is alleged, the informant had to pay the accused persons a sum of Rs. 15,000/-, which he was carrying.

Learned Counsel appearing on behalf of the petitioner has submitted that there is no specific allegation of any overt act against him except that he had demanded the extortion money.



He has also submitted that delay of nearly three days in lodging of the First Information Report, in respect of the date of the occurrence, dated 24.10.2018, makes the entire case of the prosecution suspicious. As stated in paragraph 3 of this application, the petitioner has no criminal antecedent.

Considering the above, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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 Chief Judicial Magistrate, Banka, in connection with Banka (Barahat) Police Station Case No. 713 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasion, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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