

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18681 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- PALIGANJ District- Patna

Raj Kumar Son of Late Jamuna Sao Resident of Village - Math Road
Paliganj, P.S.- Paliganj, Distt - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Pratap Singh
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsels for the petitioner, informant
and the State.

The petitioner is languishing in custody since 24.01.2019
in a case registered for the offences punishable under Sections
384, 386, 326 and 307 of the IPC and Section 27 of the Arms
Act.

The prosecution case, as per the fardbeyan of Ashok
Kumar, recorded by S.I. Vinay Kumar on 02.01.2019 at Paras
Hospital, Patna, is to the effect that on 30.12.2018 at about 6
A.M., the informant went to his potato shop and from there, he
went to fruit market where labourers were warming themselves
in the heat of bonfire. In the meantime, the informant received
some injury on his back, as a result, he got unconscious. During
treatment, at Paras Hospital, Patna he came to know that one



pillet was found in his body. It is further alleged that on 02.12.2018, he received a letter through which extortion of Rs. 5 lacs was demanded by some unknown persons though, thereafter he did not receive any telephonic call, leading registration of FIR against unknown persons. During investigation, the informant raised suspicion against the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. In fact, the petitioner is also a businessman and he was very well acquainted with the informant, but since, they had certain differences recently with regard to non-payment of money in the committee fund being run by the petitioner, hence the petitioner has maliciously been roped in the present case. It is further submitted that the informant received pillet injury in the market in the early morning, whereas the fardbeyan of the informant was recorded on the same day at 3.10 P.M., where the name of the assailant was not disclosed. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant, on the contrary, submits that suspicion has been raised against the petitioner on the



ground that not only the informant came to know about the involvement of the petitioner in making demand of extortion amount, but the said accusation has also been supported by the wife of the informant and other witnesses and the investigation is still pending.

Considering the fact that the occurrence took place in the market when there is no witness to the alleged occurrence, moreover, the impugned order, which has been passed after going through the case diary, does not suggest that statement of any witnesses has been recorded during investigation, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Danapur in connection with Paliganj P.S. Case No. 6 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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