

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20022 of 2019

Arising Out of PS. Case No.-124 Year-2014 Thana- SUGAULI District- East Champaran

1. Ajay Yadav Son of Shankar Yadav Resident of Village - Tumtumwa, P.S.- Sugauli, District - East Champaran.
2. Rajan Yadav Son of Chandrika Yadav Resident of Village - Tumtumwa, P.S.- Sugauli, District - East Champaran.
3. Surendra Yadav Son of Late Jang Bahadur Yadav Resident of Village - Tumtumwa, P.S.- Sugauli, District - East Champaran.
4. Vipin Yadav Son of Late Jang Bahadur Yadav Resident of Village - Tumtumwa, P.S.- Sugauli, District - East Champaran.
5. Vinayak Yadav Son of Bhukhal Yadav Resident of Village - Tumtumwa, P.S.- Sugauli, District - East Champaran.
6. Tuntun Yadav Son of Chandrika Yadav Resident of Village - Tumtumwa, P.S.- Sugauli, District - East Champaran.
7. Rajendra Yadav Son of Bhukhal Yadav Resident of Village - Tumtumwa, P.S.- Sugauli, District - East Champaran.
8. Yogesh Yadav Son of Judge Yadav Resident of Village - Tumtumwa, P.S.- Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 427, 385, 387, 447, 504, 506 and 120B of the IPC.

The prosecution case, as per the written report of Vinod



Kumar Gupta, dated 02.05.2014, submitted to the Station House Officer, Sugauli Police Station, is to the effect that the sugar cane crop of the informant's agriculture field was damaged by the co-villagers of the informant. It is alleged that on 30.04.2014, all the FIR named accused persons including the petitioners came at the door of the informant and demanded Rs. 3,00,000/- as extortion from the informant.

It is submitted by learned counsel for the petitioners that accusation against the petitioners is omnibus and general and even assuming the accusation to be true, at best, the case under Section 385 of the IPC is made out against the petitioners, which is a bailable offence. A statement has been made in paragraph no.3 of the petition that the petitioners are also accused in three other cases, in which they are on bail.

Learned counsel for the informant submits that the petitioners are accused in almost 11 other cases.

Considering the accusation against the petitioners being omnibus and general, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the



satisfaction of learned ACJM-I, Motihari, East Champaran in connection with Sugauli P.S. Case No. 124 of 2014 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

However, the bail bonds of the petitioners shall be accepted by the learned Court below on verification of the fact that the petitioners are accused in only three other cases, and the learned Court below will be at liberty to cancel the bail bonds of the petitioners if they default for three consecutive occasions, but if it is found that the petitioners are accused in 11 other cases, in that event, the petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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