IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26243 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- TATARPUR District- Bhagalpur

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MITHILESH YADAV @ FIGHTER YADAV, Male, aged about 25 years, Son of Shankar Yadav Resident of Urdu Bazar, P.S.- Tatarpur, Distt - Bhagalpur.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr.Ajay Kumar Jha, Advocate.
For the Opposite Party : Mr.Ahtasham Ali Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 24-04-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 06.01.2019 in a case for the offence registered under Sections 384, 386, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 05.01.2019 when the mother of the informant was getting her house constructed in her presence. In the meantime, at 10.00 A.M., 3-4 persons came and demanded Rs. 2,00,000/- as ransom only then the new house will be allowed to construct and threatened to kill her husband and children by firearms and seeing this, his mother got the construction stopped and a boy came near to his mother, snatched chain from her neck and directed to send Rs.

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2,00,000/- in the evening only then chain will be returned. One criminal of white complexion of short stature threatened her by showing his pistol that if money is not paid by tomorrow the article will not be returned. On 06.01.2019 at 7.00 A.M., a call on his Mobile No. 8434304040 from Mobile No. 8409603160 came and Rs.2,00,000/- was demanded and he assured the amount will be given and thereafter he was called in at noon for taking money and he informed the police and at about 8.00 P.M. two boys came at his shop, namely, Amrit Jalpan, situated at Parbatti and demanded money but the police came and both of them were caught after chase and thereafter in course of chase, they were also assaulted by passersby and they stated their name as MithileshYadav @ Figher Yadav (petitioner) and Md. Prince @ Samir.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner has been made accused in the present case due to mistake of fact. The allegation made in the F.I.R. is denied by the petitioner. It is further submitted that the petitioner may be released on bail after completion of six

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months in custody.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail after completion of six months in custody on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-7th, Sri Prabal Dutta, in connection with Tatarpur P.S. Case No. 09/2019, G.R. No. 87/2019.

(Sudhir Singh, J)

U.K./-

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