

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52846 of 2019

Arising Out of PS. Case No.-173 Year-2017 Thana- GURUA District- Gaya

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Basant Yadav, Son of Pahal Yadav, Resident of Village - Mahapur Barki Sawo
Sawn Kala, P.S.- Amas, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-11-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 385 and 387 of the IPC and Section 17 of the Criminal Law Amendment Act.

The prosecution case is to the effect that on 26.11.2017 at about 9-9.30 P.M., some miscreants came at the project site, gave life threatening and demanded extortion amount of Rs. 2 lacs from the informant, leading to registration of FIR against unknown persons. The name of the petitioner sprang up during investigation.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. His name subsequently sprang up during investigation. It is further submitted that even



assuming the accusation to be true, no offence under Section 387 IPC is made out, rather the accusation constitutes an offence under Section 385 IPC, which is a bailable provision. A statement has been made in paragraph no.3 of the petition that the petitioner is also made accused in one other case, in which he is on bail.

Learned APP submits that the name of the petitioner sprang up during investigation.

Considering the nature of offence, which *prima facie* constitutes an offence under Section 385 IPC, which is a bailable provision, let the above named petitioner 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) with two sureties of like amount each to the satisfaction of learned SDJM, Sherghaty, Gaya in connection with Gurua P.S. Case No. 173 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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