

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71773 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- BELDOUR District- Khagaria

1. Akhilesh Singh Son of Ramsunder Singh @ Shyam Sundr Singh Resident of Village- Sahraun, P.S.- Gogri, District- Khagaria.
2. Muklesh Singh Son of Ramsunder Singh @ Shyam Sundr Singh Resident of Village- Sahraun, P.S.- Gogri, District- Khagaria.
3. Rohit Singh @ Rohit Kumar Son of Ramsunder Singh @ Shyam Sundr Singh Resident of Village- Sahraun, P.S.- Gogri, District- Khagaria.
4. Virendra Singh Son of Late Dineshwar Singh Resident of Village- Sahraun, P.S.- Gogri, District- Khagaria.
5. Udho Singh S/o Late Kameshwar Singh Resident of Village- Sahraun, P.S.- Gogri, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 447, 341, 506, 384/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the petitioners came variously armed and demanded extortion amount of Rs.One lakh and for non-fulfillment of the same, life threatening was



given to the informant and his family members.

It is submitted by learned counsel for the petitioners that, in fact, one Maheshwar Sah whose land is being cultivated by the informant, approached the petitioners and agreed to see the same land which was not accepted by the informant, as he also wanted to buy the same land and in that background, a false case has been lodged by the informant against the petitioners. It is further submitted that for the occurrence of 27.05.2019, the FIR has been registered on 29.05.2019 and even assuming the accusation to be true, no offence under Section 384 IPC is made out. A statement has been made in paragraph 3 of the petition that the petitioner nos. 1, 4 and 5 are accused in one another case in which they are on bail and petitioner nos. 2 and 3 are not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioners.

Considering the genesis of the occurrence, the fact that the accusation being omnibus and general against the petitioners and the fact that the accusation does not suggest the case either under Sections 384 or 385 IPC, let the above named petitioners be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Khagaria in connection with Beldaur P.S. Case No. 107 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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