

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66188 of 2019

Arising Out of PS. Case No.-104 Year-2019 Thana- SABAUR District- Bhagalpur

Chhotu Paswan @ Mithilesh Paswan, aged about 24 years, (Male), Son of Prabhu Paswan, Resident of Village- Haridaspur, Mamalkha, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-11-2019 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest for the offences alleged under Sections 384 and 386 of the Indian Penal Code registered in connection with Sabour P.S. Case No. 104 of 2019.

The prosecution case, as per written statement of one Srikant Chouhan, Station House Officer, Sabour dated 08.04.2019, is that he received secret information that extortion was being made in between Sabour to Ghogha on NH-80, the police registered Sanha no. 218/2019 and raided the spot along with the police personnel. As soon as he along with police personnel reached at the spot, he saw that 3-4 persons were indulged in collecting extortion by stopping the truck plying through NH-80. The said persons started fleeing on seeing the



police party. The police caught one of the persons. He identified himself as Tunna Poddar and he also disclosed the name of the persons fled away from the scene of occurrence as Kailash Pandit, son of Gopal Yadav, namely, Dharmendra Yadav and Tuntun Singh. The police searched the apprehended persons and found 23 pieces of 10 rupees note, one piece of 20 rupees note, three pieces of 50 rupees note and one piece of 100 rupees note. The police also seized the receipt printed in the name of Sri Sri 108 *Durga Poja Samaroh*. When the police reached near Hardaspur on NH-80, he saw that two persons were indulged in collecting extortion by stopping the truck and both of them tried to escape from the scene of occurrence on seeing the police personnel. The police caught both of them on chase. They identified themselves as Radhey Mandal and Chhotu Pawan (petitioner).

Learned counsel for the petitioner submits that one Radhey Mandal was arrested on the spot who disclosed the name of the petitioner. Learned counsel further submits that co-accused Tuntun Singh @ Ajay Kumar; and Kailash Pandit and Dharmendra Yadav have been granted anticipatory by a coordinate Bench of this Court vide orders dated 27.08.2019 and 25.09.219 passed in Cr. Misc. No. 53500 of 2019 and Cr.



Misc. No. 60766 of 2019, respectively. It is further submitted that the petitioner has no criminal antecedents.

In the facts and circumstances of the case, in the event of petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 104 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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