

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13255 of 2020

Arising Out of PS. Case No.-164 Year-2018 Thana- ISHAKCHAK District- Bhagalpur

MD. RIZWAN @ BABU KULHARI @ REYAJUL @ BABU @ BABUWA
Son of Taslim Resident of Mohalla- Bikhampur Tank Lane, P.S.- Ishakchak,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mrs.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 08-06-2020 The present case was heard at length on 05.06.2020 and today it has been placed before this Court 'For Orders'.

The petitioner seeks regular bail in connection with Ishakchak P.S. Case No. 164 of 2018 for the offence punishable under Sections 384, 386, and 387/34 of the Indian Penal Code.

The case of the prosecution in brief is that the informant was being threatened since past 10 days by the petitioner and his accomplice as also they were exhorting the informant to pay a sum of Rs. 50,000/- per week since he was having a huge income. It is further alleged that after about a week, the petitioner had again arrived at the place of the informant along with his accomplice and had threatened him on pistol point whereupon the informant had given a sum of Rs. 10,000/- to



the petitioner, however, the petitioner was still demanding a sum of Rs. 50,000/- and had told the informant that he would be sending his accomplice to pick up the said amount of Rs. 50,000/- whereafter the informant is stated to have paid a sum of Rs. 50,000/- to the petitioner. It is also alleged by the informant that three days ago, the petitioner along with his accomplice had again arrived at the place of the informant and demanded a sum of Rs. 7 lakhs and lastly the petitioner along with his accomplice had come to the chamber of the informant at about 6:30 in the evening on 11.08.2018 and had threatened the informant that if he does not pay the money, he would shoot him and would blast his clinic with a bomb. The informant is then stated to have informed the police officials who came at the clinic of the informant and had then arrested the petitioner from whose possession one knife, mobile etc. was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 12.08.2018. It is further submitted that though the petitioner is accused in six other criminal cases but the same are old cases. Lastly, it is



submitted that the Police has also submitted the charge sheet on 09.10.2018, hence there is no need of custody of the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also considering the materials available in the case diary, I am of the view that there are ample materials which have been collected during the course of investigation by the police, to prima facie make out a case, as alleged, as against the petitioner herein. This Court further finds that charges have already been framed in the on going trial as against the petitioner herein and during trial one witness has already been examined, hence I do not find the present case to be a fit case for grant of bail especially considering the fact that the petitioner is having a bad antecedent and is alleged to have engaged in serious offence of extortion. Thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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