

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77181 of 2019**

Arising Out of PS. Case No.-361 Year-2019 Thana- NAUTAN District- West Champaran

RAMASHANKAR YADAV, Son of Late Birbal Yadav, Resident of Village -  
Shivrajpur, P.S.- Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Brij Kishor Mishra, Adv.    |
| For the Opposite Party/s | : | Mr. Shailendra Kumar Singh, APP |
| For the informant        | : | Mr. Fatim Raza, Adv.            |

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      13-02-2020      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 384, 386, 387 and 504 of the Indian Penal Code.

Initially, the prosecution case got initiated with the filing of Complaint Case No. 805C of 2019, which came to be registered as police case, being Nautan P.S Case No.361 of 2019, after its being transferred under Section 156(3) of the Code of Criminal Procedure to the police for investigation.

The prosecution case as per the complaint petition is that the accused persons demanded Rupees Five Lacs as extortion as they earlier had also realized Rupees Twenty Five Thousand as extortion from the complainant.



It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of pending title suit between the parties and even assuming the accusation to be true, no offence under Sections 384, 386 and 387 of the I.P.C. is made out. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the informant that the accusation is specific against the FIR named accused persons, including the petitioner.

Considering the fact that the accusation is of only demanding extortion money on the date of occurrence which *prima facie* does not constitute an offence under Sections 384, 386 and 387 of the I.P.C., for the alleged occurrence of 24.05.2019, the complaint was filed on 25.05.2019 which came to be registered as Police Case on 13.09.2019, statement being made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and above all accusation being made in the background of pending title suit, between the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond



of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Nautan P.S. Case No.361 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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