

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85195 of 2019

Arising Out of PS. Case No.-106 Year-2018 Thana- NAUTAN District- Siwan

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Nirbhay Kumar Tiwary @ Ramu Tiwary, Son of Janardan Tiwary, Resident of
Village- Pipra, P.S.- Nautan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2020 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 and 506/34 of
the Indian Penal Code.

The prosecution case got initiated on the basis of written
report of Dharendra Kumar submitted before the Station House
Officer, Nautan Police Station is to the effect that on
03.06.2018, at 12.15 P.M., while the informant was constructing
house on his purchased land, the petitioner, Nirbhay Kumar
Tiwary @ Ramu Tiwary and co-accused, Prashant Tiwary came
and demanded Rupees Two Lacks as extortion.

It is submitted by learned counsel for the petitioner that in
the background of earlier land dispute, as the petitioner is also



claiming the land in question, the accusation has been levelled. It is further submitted that even assuming the accusation to be true, no case under Section 384 of the I.P.C. is made out against the petitioner. Though the petitioner is accused in one another case, apart from the present case, but in that case, he has been acquitted, a statement to that effect has been made in paragraph No.3 of the petition.

It is submitted by learned APP for the State that there is specific accusation against the petitioner in the FIR.

Considering the fact that the accusation suggesting only demanding the extortion money which at best constitutes the offence under Section 385 of the I.P.C, 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 Judicial Magistrate, 1st Class, Siwan, in connection with Nautan P.S. Case No.106 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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