

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4521 of 2021

Arising Out of PS. Case No.-83 Year-2019 Thana- SABAUR District- Bhagalpur

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1. KRISHN DAS S/O LATE BASANT DAS R/O VILLAGE CHHOTI DOSTANI, P.S GORADIH AND DISTRICT- BHAGALPUR
 2. CHHOTU DAS @ BHOLA DAS S/O JITENDRA DAS R/O VILLAGE CHHOTI DOSTANI, P.S GORADIH AND DISTRICT- BHAGALPUR
 3. TRIVENI DAS S/O JITENDRA DAS R/O VILLAGE CHHOTI DOSTANI, P.S GORADIH AND DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan, Adv.
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 Heard the learned counsel for the petitioners
and the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioner seeks to withdraw the present petition qua the petitioner no. 1 in order to enable him to surrender before the learned court below and seek regular bail.

Accordingly, the present petition qua the petitioner no. 1 stands dismissed as not pressed.

This is an application for grant of anticipatory bail in connection with Sabour (Goradih) P.S. Case



No. 83 of 2019 registered for the offence punishable under Sections 147, 149, 341, 323, 307, 354B, 379, 385 and 448 of the Indian Penal Code.

It is alleged that the petitioner no. 1, who is member of the ward, used to threaten and extort money from the informant and had also engaged in extortion when the daughter-in-law of the informant had received a sum of Rs. 50,000/- by way of grant qua the Indira Awas Scheme and again, he is stated to have extorted the money when the informant had received money for construction of a toilet room. It is further alleged that the petitioner no. 1 had again demanded extortion money subsequently from the informant and when the informant had refused to pay the same, he had called other accused persons and had engaged in creating nuisance.

The learned counsel for the petitioners no. 2 and 3 has submitted that the petitioners no. 2 and 3 are innocent, they have been falsely implicated in the present case and they are having a clean



antecedent. It is further submitted that at best, it is the petitioner no. 1, who may be having complicity in the alleged occurrence, however, a general and omnibus allegation has been levelled against the petitioners no. 2 and 3.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners no. 2 and 3 and taking into account materials on record, it is apparent that prima facie, no case is made out against the petitioners no. 2 and 3, as far as consideration of the present bail petition is concerned and only a general and omnibus allegation has been levelled against them whereas the main thrust of allegation in the FIR is against the petitioner no. 1, hence, I deem it fit and proper to admit the petitioners no. 2 and 3 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 2 and 3 are directed to be enlarged on anticipatory bail, in the



event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour (Goradih) P.S.Case No. 83 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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