

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37538 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- KURSAILA District- Katihar

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SUMIT YADAV SON OF LATE NEPALI YADAV RESIDENT OF
KATARIA, P.S.- KURSELA, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Bhola Prasad and Sanjeev Kumar Singh, Advocates
For the Opposite Party/s :		Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Kursela P.S. Case no. 77 of 2020 registered under sections 307, 341, 323, 384, 504, 506 and 34 of the Indian Penal Code.

As per allegation in the first information report, four accused persons including the petitioner herein are stated to have abused and assaulted the informant. It is further stated that a demand of *rangdari* to the tune of Rs. 50,000/- was made. The informant called up his home to get the amount and it was on payment of Rs. 40,000/- that the informant was left to go with the warning from the accused persons that the balance amount



Rs. 10,000/- should be paid within three days.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the first information report are false and concocted. From perusal of the first information report itself, it appears that the same is as a result of land dispute between the parties. The narration in the first information report appears to be false for the reason that the economic standard of the parties is not such that over a telephone call a sum of Rs. 40,000/- would be paid. No evidence with respect to demand and payment transpired in course of investigation and the petitioner is in custody since 19.8.2020. It is submitted that a supplementary affidavit has been filed explaining the error which was committed in the main petition with respect to the antecedents of the petitioner and the details thereof have been given.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the allegation against the petitioner as levelled in the first information report, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.



However, in the facts and circumstances of the case liberty is granted to the petitioner to renew his prayer for bail after completing one year in custody.

(Partha Sarthy, J)

Spd/-

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