

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39035 of 2020

**Arising out of P.S. Case No. 92, year- 2020, Thana- Mohania District
Rohtas at Sasaram**

=====

Amar Nath Singh, Male, aged about 40 years, S/O Ramesh Singh, R/O
village- Hathini P.S. Nokha, District Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.

For the Opp. Party/s : Mr. Chandra Bhushan Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Chandra Bhushan Prasad, the learned APP appearing for the State.

... .. apprehends his arrest in connection



with Mohania P.S. Case No. 92 of 2020 for the offence punishable under sections 420 and 406 of the Indian Penal Code.

The allegation is regarding the petitioner being engaged in extorting money from the truck owners in connivance with the officials of the police and mines department for permitting carrying of sand and other substances illegally. It is also alleged that the mobile number from which call had been made to the truck owners regarding demand of illicit bribe money and for striking a deal, belongs to the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is a railway employee and is not likely to either flee away from the investigation or from the ensuing trial. It is submitted that the petitioner was taken into confinement by the police, however, he has been granted the benefits of Section 41A of the Cr.P.C., nonetheless, he had not submitted any bond. Thus it is stated that the privilege of anticipatory bail to be granted to the petitioner herein. It is also stated that the petitioner undertakes to join investigation, as and when he is called upon



to do so. It is further submitted that upon a raid having been conducted in the house of the petitioner, neither any incriminating articles have been recovered nor any evidence regarding petitioner being engaged in extortion, has come to the fore, hence the petitioner is fit to be extended the privilege of anticipatory bail.

Per contra, the learned APP appearing for the State, Shri Chandra Bhushan Prasad, has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties and taking into account the materials available on record as also considering the fact that no incriminating article or proof regarding the petitioner being engaged in extortion has been recovered during the course of raid conducted by the police at the house of the petitioner, apart from the fact that the petitioner is a railway employee, hence not likely to flee from the investigation or the ensuing trial, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail

Accordingly, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, the above-named, shall be enlarged on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 92 of 2020, subject to the conditions as laid down under section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

