

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40679 of 2020

Arising Out of PS. Case No.-418 Year-2018 Thana- KAHALGAON District- Bhagalpur

1. Lal Muni Devi, W/O Late Bisheshwar Thakur Resident Of Village- Naya Tola, P.S.- Sanokhar, Distt- Bhagalpur.
2. Upendra Thakur, Son Of Sukhdeo Thakur Resident Of Village- Naya Tola, P.S.- Sanokhar, Distt- Bhagalpur.
3. Bipin Thakur, Son Of Late Mishri Thakur Resident Of Village- Naya Tola, P.S.- Sanokhar, Distt- Bhagalpur.
4. Deep Narayan Thakur @ Mantu Thakur, Son Of Late Mishri Thakur Resident Of Village- Naya Tola, P.S.- Sanokhar, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar- Advocate

For the Opposite Party/s : Mr. Binod Kumar No.2- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-06-2021 Heard Mr. Praveen Kumar, the learned Advocate for the petitioners and Mr. Binod Kumar No.2, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Kahalgaon P. S. Case No.418 of 2018, instituted for the offences under Sections 147, 148, 149, 384, 386, 452, 506, 504, 379 of the Indian Penal Code and Section 27 of the Arms Act, but charge-sheet has been filed under Section 406 of the I.P.C.

It has been submitted on behalf of the petitioners that



initially a complaint was lodged under various Sections of the I.P.C. which was sent under Section 156(3) of the Cr.P.C. for institution of a regular case by the order of the Court.

The police after investigation did not find the accusation under most of the Sections of the I.P.C. to be true, but submitted charge-sheet against the petitioners under Section 406 of the I.P.C. only.

The learned counsel for the petitioners has submitted that the offence under Section 406 of the I.P.C. cannot be said to have been made out as the accusation against the petitioners is of having put pressure on the informant for parting with Rs. Two Lacs as ransom amount for having dared to settle in the village of the petitioners.

The petitioners deny the aforesaid allegation and it has been urged on their behalf that they have been made accused only because of local village politics.

The petitioners are persons of clean antecedents.

Considering the afore-stated facts, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties



of the like amount each to the satisfaction of learned Additional
Chief Judicial Magistrate-7th, Bhagalpur in connection with
Kahalgaon P. S. Case No.418 of 2018, subject to the conditions
laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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