

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8248 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- KATEYA District- Gopalganj

ISHARAFIL DEWAN @ ISRAFIL DEWAN SON OF NIZAMUDDIN SAH
R/O VILLAGE- SIDHARIYA, P.S.- KATEYA, DISTRICT- GOPALGANJ

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Akshaylal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 31-08-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as
Akshay Lal Pandit, learned APP for the State.

The petitioner apprehends his arrest in connection with
Kateya P.S. Case No. 177 of 2021, registered for the offences
punishable under Sections 386, 387, 302, 120(B)/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The informant Rajendra Singh is a businessman dealing in
building materials. As per allegation, one identified criminal Munna
Mishra, (co-accused) along with his associates including the present
petitioner demanded ransom of rupees fifty lacs from the informant
in September 2020 for which Kateya P.S. Case No. 291 of 2020
under Section 387 IPC was lodged by him. Thereafter, the associates



of Munna Mishra namely Alkeshwar Mishra gave threatening calls for payment of ransom of rupees fifty lacs from mobile number 7352787876. Due to fear of life Rs. 2,50,000/- was paid as rangdari to Alkeshwar Mishra for co-accused Munna Mishra. In spite of that, Alkeshwar Mishra continued his persistence in demanding the ransom. On 24.05.2021 when the informant was sitting at his shop at 8 a.m., his brother Dilip Singh came to his shop and told him to go to home and when he proceeded only 50 meters from the shop he heard a sound of firing and saw that accused Munna Jaiswal on motorcycle was standing and accused Munna Mishra armed with AK-47 rifle came there and the present petitioner and other accused persons named in the FIR also followed them. Thereafter, the informant rushed to his shop and saw his brother Dilip Singh who has sustained firearm injury in his chest and when he was brought to the hospital, he was declared dead.

Learned counsel for the petitioner has submitted that the petitioner is not assailant of the deceased. He is innocent and has falsely been implicated in this case. he has also submitted that main allegation is on Munna Mishra.

On the other hand, learned Addl.P.P. has opposed the prayer for bail.

The petitioner is named in the FIR. There is allegation against him that he along with other co-accused persons demanded ransom and he is accused in Kateya P.S. Case No. 291 of 2020 under



Section 387 of the IPC. Munna Mishra has also disclosed the complicity of the present petitioner in his self inculpatory confessional statement. As such, in my view it is not a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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