

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15508 of 2022

Arising Out of PS. Case No.-644 Year-2016 Thana- BIHTA District- Patna

OM PRAKASH @ OM PRAKASH KUMAR Son of Ravindra Prasad
Resident of Village- Jamshaut, P.S.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vijaya Laxmi Srivastwa, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 365 of the Indian Penal Code.

The informant alleges that on 05.09.2016 his brother-in-law was riding a bike when he was intercepted by four accused, including the petitioner, and some unnamed accused persons who abducted him, it is next alleged that accordingly a search was made and the informant received a call for demand of extortion of Rs. 9 lakhs in lieu of life of his brother-in-law, further the cause of occurrence is with regard to dues relating to agreement of land made by the informant.

Learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that the statement of the victim was recorded under Section 164 of the Cr.P.C. (Annexure-2 to the anticipatory bail application) wherein he has not taken name of the petitioner which amply demonstrates that the petitioner was falsely implicated in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that case is of the year 2016 and the petitioner has moved for anticipatory bail in the year 2022 as such it may be a probability that process under Section 82 Cr.P.C. might have been issued.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihta P.S. Case No. 644 of 2016 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



The learned trial court before accepting the bail bonds of the petitioner shall verify whether any process under Section 82 of the Cr.P.C. has been issued against the petitioner or not, in the event, if no process under section 82 Cr.P.C. has been issued then the present anticipatory bail order shall be acted upon forthwith and if any process under Section 82 of the Cr.P.C. has been issued, then the present order granting anticipatory bail to the petitioner shall loose its effect.

(Satyavrat Verma, J)

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