

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16648 of 2022**

Arising Out of PS. Case No.-802 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Kishore Sahani, S/O Late Ram Lakhan Sahani Resident Of Mohalla-
Sikandarpur Kundal, P.S.- Town, District- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 385,
379, 504, 506/ 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 03.11.2018 at 8.00 P.M., the accused persons
came and started pushing the gate of the informant's house to
which the informant's wife protested when accused persons
asked for extortion of Rs.10 Lacs. It is next alleged that all the
accused persons used indecent words for the informant's wife



and further threatened to kill the informant and his son if the extortion was not paid even fired at the gate. It is further alleged that on 04.11.2018, in the morning when the informant was sitting at his door with his wife when the accused persons including the petitioner along with some unidentified accused came and started looting the goods and further took the Mangalsutra of his wife and further tried to kill the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is next submitted that the allegation itself does not inspire confidence. It is also submitted that the allegation of assault is general and omnibus in nature, no overt act has been alleged. It is also submitted that it absolutely does not stand to reason that the petitioner in large number would have come to the house of the informant seeking extortion of Rs.10 Lacs more so when informant is not a person of such a stature, who can part with Rs.10 Lakhs.

Learned A.P.P. opposes the bail application and submits that the case is of the Year 2018 and the petitioner has moved before this Court in the Year 2022 and it might be a possibility that process under Section 82 of the Cr.P.C. would have been issued by now.



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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Muzaffarpur Town P. S. Case No.802 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds 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 has been issued against the petitioner under Section 82 of the Cr.P.C., then the present anticipatory bail order shall be acted upon forthwith and in the event, if any process has been issued under Section 82 of the Cr.P.C., then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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