

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20548 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- KAKO District- Jehanabad

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Gautam Kumar, Son of Naulesh Sharma Resident of Village - Chatar, P.S.-
(Bhelawar O.P.), Kako and District - Jehanabad, (Bihar - 804420).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 13-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Kako
(Bhelawar O.P.) P.S. Case No. 76 of 2021, registered for
the offences punishable under Section 387 of the Indian
Penal Code and Sections 25 (1-b)a, 26 and 35 of the Arms
Act.

As per the prosecution case, emerging from F.I.R.
the sole accused-petitioner has allegedly put a pistol to the
temples of alleged victim/informant and demanded money.
It also transpires that he was apprehended on the spot by
the informant as well as the villagers and handed over to the



Police and one country-made pistol with a live cartridge and motorcycle were seized by Police from the accused/petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that Section 387 of Cr.P.C. is not applicable to the alleged facts and circumstances of the case and he has been languishing in jail since 04.05.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in two other cases of similar nature, namely, Kako P.S. Case No. 28 of 2021 and Kako P.S. Case No. 120 of 2020.

However, the learned APP for the State vehemently opposes the prayer for bail submitting that this is a classic case of extortion as punishable under Section 387 of IPC and relevant Sections of Arms Act. He further submits that seizure list shows veracity of the case against



the petitioner. He also points out that the accused has two criminal antecedents of similar nature and as such the petitioner is a danger to the society and does not deserve to be enlarged on bail.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioner on bail.

The prayer for bail is accordingly rejected.

However, the Trial Court is directed to expedite and conclude the trial within a period of six months.

In case, the trial is not concluded within six months, the petitioner will be at liberty to renew his prayer for bail.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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