

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21903 of 2022

Arising Out of PS. Case No.-326 Year-2020 Thana- BIHTA District- Patna

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1. NITESH KUMAR @ MANISH KUMAR S/o Deo Bachan Rai R/o village-
Srirampur, P.S.- Bihta, District - Patna
 2. Shailesh Kumar @ Bheem Rai S/o Ramsaran Singh R/o village - Srirampur,
P.S.- Bihta, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Griyaghey, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 147, 149,
341, 323, 307, 386, 379, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of two cases and petitioner no. 2
is a person with clean antecedent, though inadvertently the said
fact could not be stated at para 3 of the anticipatory bail
application with clarity as it has been very fairly submitted by
the learned counsel for the petitioners that being a junior



counsel it was his first drafting.

The informant alleges that the accused persons including the petitioners demanded extortion from him on the ground that whenever any tractor will unload sand an amount of Rs.500/- per tractor is to be paid.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that it absolutely does not stand to reason that how come the informant, who was a tractor driver, would recognize ten persons and if he was recognizing the accused persons then definitely the accused persons would not have asked for extortion fearing that they would be marked and thus would create evidence against themselves. It is next submitted that even the allegation of demand is general and omnibus in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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. 326 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further one of the bailors of the petitioners no. 1 and 2 shall be their father Deo Bachan Rai and Ramsaran Singh. Further, in the event, if any application is filed by the investigating officer bringing to the notice of the learned trial court that the petitioners are not cooperating in the investigation, the learned trial court shall forthwith cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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