

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11427 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- KHAGARIA District- Khagaria

PRAKASH MAHTO S/O BAHADUR MAHTO Resident of Village-
Bhadash, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-05-2023 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 Sections 385, 387, 504, 506
of the Indian Penal Code.

Allegedly, petitioner is said to have demanded Rupees
Twelve Lakhs on phone call and threatened the informant to kill
him.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to suspicion. The allegation levelled
against the petitioner is not specific rather general and omnibus
in nature. It is further submitted that petitioner is not named in
the FIR but during the investigation, his name has been



transpired in this case. The case was found true against the petitioner under Section 387 of the Indian Penal Code along with other Sections on the basis of evidence of witnesses, CDR and SDR of alleged mobile number. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case as well as the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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