

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22600 of 2023

Arising Out of PS. Case No.-1609 Year-2007 Thana- COMPLAINT CASE District- Banka

1. UMESH MEHTA S/o LATE KULDEEP MEHTA Resident of Village- Karipahari, P.S.- Fullidumar, District- Banka
2. RUP LAL YADAV S/O LATE SIDHESHWAR YADAV Resident of Village- Malikbathan / Karipahari, P.S.- Fullidumar District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. BANARASI YADAV S/O LATE DHANESHWAR YADAV Resident of village- Malik Bathan, P.S.- Fullidumar, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Advocate.
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-06-2023 Heard Mr. Md. Nurul Hoda, learned counsel

 appearing on behalf of the petitioners and Mr. Navin Kumar

 Pandey, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Complaint Case No. 1609 of 2007 registered for the offence punishable under Sections 323, 384 and 506/34 of the Indian Penal Code.

3. Prosecution story, in brief, is that accused persons named in the F.I.R. demanded Rs.10,000/- from the complainant.

4. Learned counsel appearing on behalf of the



petitioners submitted that record reveals that the complaint was lodged on 22.08.2007 for the alleged occurrence which has taken place on 14.08.2007 and 21.08.2007. The warrant of arrest has been issued on 01.12.2022 and no summon has been received by the petitioners earlier, as such, the petitioners were not aware of any complaint to have been lodged against them. Petitioners are co-villager of the complainant. There is previous enmity between the parties.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioners that in the year 2007, they had extorted money from the complainant, but no action was taken against them by the learned court below, as such the petitioners had no apprehension of arrest during the said period, the complainant has not proceeded in the manner as prescribed in the Code of Criminal Procedure and for the laches on the part of the Magistrate, the petitioners should not suffer, this Court is of the opinion that the petitioners have, prima facie, made out a case to be released on bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or



surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Banka in connection with Complaint Case No. 1609 of 2007, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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