

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31791 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Parmeshwar Kumar Verma @ Parmeshawari Mahto Son Of Ram Sagar Mahto R/O-Khanjahanpur, Ward No. 06, P.S.- Cheriabariyarpur, Distt.- Begusarai
 2. Raushan Kumar @ Kishmat Kumar Son Of Parmeshwar Kumar Verma @ Parmeshwari Mahto R/O-Khanjahanpur, Ward No. 06, P.S.- Cheriabariyarpur, Distt.- Begusarai
 3. Rupesh Kumar Son Of Parmeshwar Kumar Verma @ Parmeshwari Mahto R/O-Khanjahanpur, Ward No. 06, P.S.- Cheriabariyarpur, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP
For the Informant	:	Mr. Hare Krishna Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2023 Heard Mr. Shubhesh Pandey, learned counsel appearing on behalf of the petitioners, Mr. Hare Krishna Prasad, learned counsel for the Informant and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Cheriya Bariyarpur P.S. Case No. 03 of 2023 registered for the offences punishable under Sections 341, 307, 384, 504, 506/34 of the Indian Penal Code.

3. It is alleged that the informant, being the husband of Gyankala Sinha, Mukhiya of Gram Panchayat Khanjhapur,



usually looking after the affairs of Panchayat Scheme. In the month of October, 2022, he received an extortion demand of Rs.5,00,000/- at the hands of all the three petitioners. On 30.12.2022, he also received unanimous threatening letter to pay Rs.50,00,000/-, else his house along with medical and fertilizer shop will be exploded. On 01.01.2023, all the accused persons came to the house of the informant and on the point of pistol started abusing and also made demand of extortion money. Further, on hulla being raised, other people assembled there and thereafter the petitioners fled away.

4. Mr. Pandey, learned counsel appearing on behalf of the petitioners submits that the falsity of the prosecution case is evident from the fact that petitioner no.1, who is non-else, but the full brother of the informant and petitioner nos. 2 and 3 are nephews of the informant. He further submits that in fact prior to the institution of the present case, while the petitioners were coming on a Bolero vehicle and motorcycle, they were intercepted by the informant and his persons and their vehicles were snatched. The aforesaid information was given to the police, but the F.I.R. could not be registered and in the police station both the parties were asked to settle the matter, however, when the petitioners did not succumb to the pressure, the F.I.R.



on the side of the petitioners, being Cheriya Bariyarpur P.S. Case No. 04 of 2023, has been instituted later on after institution of the present case. He further drawn the attention of this Court to the F.I.R. and submits that in fact the F.I.R. was instituted on 01.01.2023 itself, but an interpolation has been made and in place of 01.01.2023 it has been made as 04.01.2023. He next submitted that considering the high handedness of the police officials, petitioner no.1 also filed a Complaint case before the court of learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai, being Complaint Case No. 48 C of 2023 on 28.03.2023. He lastly submitted that even after going through the present F.I.R., no case under Section 307 of the Indian Penal Code is made out and so far the other Sections of the Indian Penal Code are concerned, all are bailable.

5. On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the petitioner nos. 1 and 2 are carrying criminal antecedents, as is evident from paragraph no.3 of the petition and moreover the specific allegation of extortion has been levelled against the petitioners.

6. Learned APP for the State also opposes the bail application.



7. Regard being had to the submissions made on behalf of the parties and considering the fact that the prosecution case appears to be not trustworthy on account of the reasons mentioned hereinabove and also the fact that the F.I.R. does not disclose any ingredients constituting an offence under Section 307 of the Indian Penal Code and both the petitioners and the informant are members of one family, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on 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 learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 03 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors should be own/close family members of the petitioners.

(Harish Kumar, J)

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