

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37507 of 2023

Arising Out of PS. Case No.-870 Year-2022 Thana- SITAMARHI District- Sitamarhi

1. RAHUL BHANDARI S/O KAMESH BHANDARI R/O Village- Kamla Garden, Basbaria, Mahsol, P.S- Sitamarhi, Distt.- Sitamarhi.
2. Binod Bhandari S/O Late Ramswarup Bhandari R/O Village- Kamla Garden, Basbaria, Mahsol, P.S- Sitamarhi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 21-07-2023 1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Sitamarhi (Mehsaul) PS case no. 870 of 2022, registered for the offences punishable under Sections 387, 384, 504, 506/34 of the Indian Penal Code.
3. The allegation is regarding the informant being engaged in the work of construction of plinth area on his land on 28.09.2022, when the accused persons including the petitioners herein had arrived there and asked for a sum of Rs. 2 lacs by way of extortion money, failing which, they had threatened the informant that they would not permit him to do any work on the



land in question. It is further alleged that thereafter, they had engaged in assaulting the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that as far as the petitioner no. 1 is concerned, he is an accused in one another case, however, he is on bail in the said case and as far as petitioner no. 2 is concerned, he is having a clean antecedent. It is also submitted that a general and omnibus allegation has been levelled against the petitioners, however they have not been alleged to have engaged in any sort of specific overt act and moreover, the present case arises out of case and counter case.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons and the petitioners have not been alleged to have engaged in any sort of specific overt act, I deem it fit and appropriate to admit the petitioners to



the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi (Mehsaul) PS case no. 870 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

