

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58577 of 2023

Arising Out of PS. Case No.-178 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Kanhaiya Rastogi S/O Late Arjun Rastogi R/O Village- Purnea Cinema Hall
Road Gulabbag, Hansdah, Ps. Purnea Sadar Dist. Purnea, Bihar-854326
Proprietor Puran Devi Trading Company Gulalbagh Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aamir Hayat, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Amir Hayat, learned counsel appearing on

behalf of the petitioner and learned Additional Public Prosecutor

for the State.

2. The petitioner apprehends his arrest in connection
with C.A. Case No. 178 of 2021, registered for the offences
punishable under Sections 342, 323, 384, 504, 506/34 of the
Indian Penal Code.

3. The complainant of this case has filed the present
complaint while he was in judicial custody in connection with
Kasba P.S. Case No. 12 of 2021, alleging therein that the petitioner
and others by abusing and assaulting him snatched his handbag
containing valuables, including the cash and jewelry. They also
obtained his signature on two stamp papers as well as plain papers,
apart from it is alleged that the petitioner demanded extortion of



Rs. five crores.

4. It is submitted on behalf of the petitioner that with regard to the same occurrence, two complains have been filed, one by the informant and another by Rajesh Kumar, narrating the same incidence, but surprisingly in complaint of both the persons, it has not been mentioned regarding the presence of each other. He further submitted that even as per the complaint, the occurrence took place on 10.01.2022, and the informant has been remanded in connection with Kasba P.S. Case No. 12 of 2021 on 12.01.2021, but the complain has been filed on 18.01.2021.

5. He further submits that the petitioner is one of the charge-sheet witnesses in Kasba P.S. Case No. 12 of 2021, where both Rajesh Kumar and the informant are the accused. Moreover, all the offences are bailable except Section 384 of the Indian Penal Code and even as per the allegation, the same is not made out against the petitioner.

6. He lastly submits that the petitioner is a reputed business man and only on account of some business rivalry and in order to pressurize the petitioner, who is one of the charge-sheet witness in Kasba P.S. Case No. 12 of 2021, the present complaint has been filed. The petitioner has one more antecedent bearing C.A. Case No. 179 of 2021 filed by Rajesh Kumar itself with identical allegation, but prior to that there had never been any case



pending against the petitioner. He lastly submits that the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

7. On the other hand, learned counsel for the State opposed the bail application and submits that a specific allegation of extortion of demand of Rs. Five Crore has been levelled against the petitioner.

8. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R. and the fact which has been narrated hereinabove, coupled with his fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with C.A. Case No. 178 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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