

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24427 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- SAMHO District- Begusarai

Gulshan Yadav @ Gulshan Kumar, aged about 18 years, Sex-Male, Son of Subodh Yadav, Resident of Village- Shamho Totaha, P.S.- Shamho, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Samho P.S. Case No. 29 of 2023 instituted for the offences punishable under Sections 341, 342, 323, 385, 387, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, three named accused persons including the petitioner and three unknown persons armed with deadly weapon demanded Rs. 2 lakhs from the informant and they threatened the informant to kill due to non-fulfillment of the said demand.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence and



has been falsely implicated in this case due to dirty village politics. There is no specific allegation against the petitioner rather due to previous enmity. He further submits that there is no specific allegation for demanding Rangdari and also not allegation of firing. The allegation against the petitioner is that he came to the house of the informant and stated that co-accused Abhishek Kumar was calling him except there is no allegation against the petitioner. Petitioner has no criminal antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Begusarai dated 08.02.2024, it appears that the allegation against the petitioner is that he came to the house of the informant and stated that co-accused Abhishek Kumar was calling him. Petitioner has no criminal antecedent as stated in para 3 of the petition. There is no specific allegation of demanding Rangdari or extortion. Accordingly, the prayer for bail of the petitioner is allowed.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of his arrest or surrender before the Court below within six weeks from today, the petitioner above named be



released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub Judge-VI-cum-Additional Chief Judicial Magistrate-IV, Begusarai in connection with Samho P.S. Case No. 29 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(Ramesh Chand Malviya, J)

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