

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37846 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- BHORE District- Gopalganj

Rabindra Chaubey SON OF ANIRUDH CHAUBEY R/O VILLAGE-
MATHAULI PS - BHOREY, DIST. - GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Yogesh Chandra Verma, Sr. Advocate
Sri Sanjya Kumar Chaubey, Advocate
For the Opposite Party/s : Sri Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 30-09-2024 1. Heard Sri Yogesh Chandra Verma learned Senior Counsel for the petitioner and Sri Chandra Bhushan Prasad learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 386 of the Indian Penal Code.
3. Learned Senior Counsel for the petitioner submits that petitioner has antecedent of two cases.
4. The informant alleges that petitioner without permission of the Zila Parishad is collecting tax for the last six months illegally from Sisai Bazar causing loss to the Jila Parishad, Gopalganj.
5. Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the present case by



the informant. It is further submitted that no opportunity was given to the petitioner prior to instituting the instant FIR seeking his explanation. It is next submitted that had an opportunity been given to the petitioner to explain his side of the case perhaps the instant FIR would not have been instituted.

6. Sri Chandra Bhushan Prasad learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the allegation as alleged in the FIR, it appears that the offence of extortion is not made out but then that is subject of investigation. It is further submitted that petitioner is alleged to have collected tax from Sisai Bazar unauthorizedly as such the petitioner is not entitled to retain the money collected.

7. Learned Senior Counsel for the petitioner submits that petitioner is ready and willing to return the entire amount which he has collected but for that the Zila Parishad will have to give a show cause to the petitioner recording therein the amount of loss suffered by the Zila Parishad. It is further submitted that if any show cause is issued to the petitioner regarding loss suffered by the Zila Parishad in that event the petitioner will pay all the legitimate dues of the Parishad.

8. Considering the submissions made by the learned



Senior Counsel appearing on behalf of the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhorey P.S. Case No. 10 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. One of the bailors of the petitioner shall be his son, namely, Narendra Chaubey.

10. Let a copy of this order be sent to the Zila Parisahd, Gopalganj for perusal and necessary action.

(Satyavrat Verma, J)

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