

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39928 of 2024**

Arising Out of PS. Case No.-318 Year-2023 Thana- PASRAHA District- Khagaria

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Umesh Yadav SON OF SAUDAGAR YADAV VILLAGE- BASUA, PS-
PASRAHA, DIST- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hafiz Shahbaz Arif, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 13-08-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 379, 386, 504, 506 and 34 of the IPC and 27 of the Arms Act in connection with Pasraha P.S. Case No.318 of 2023.

3. The learned counsel for the petitioner submits that petitioner has antecedent of one case under Section 302 of the IPC read with other sections.

4. It is next submitted that the informant alleges that his tractor was standing at the door of his driver when the



accused persons including the petitioner came to the door of his driver and took the tractor saying that informant has not paid the extortion amount of Rs.5 lakhs. The learned counsel submits that petitioner has been falsely implicated in the instant case.

5. It is next submitted that informant is a dealer of grain and had taken a loan of Rs.2,60,000/- from his brother-in-law on interest about three years back and was not repaying for which a panchayati was held in the village and the informant in presence of the panches had assured that the amount would be returned, but did not return the loaned amount and instituted the instant false case with a view to coerce his brother-in-law into submission.

6. The learned APP, Mr. Chandra Bhushan Prasad vehemently opposes the anticipatory bail application and submits that though petitioner has taken a stand that a false case has been instituted to coerce his brother-in-law into submission, but from perusal of the pleadings made at para-9 of the anticipatory bail application, it would manifest that the same is cryptic and vague, as petitioner has not disclosed the name of his brother-in-law nor the date of *panchayati* and is an accused under Section 302 of the IPC.

7. At this stage, the learned counsel appearing on



behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation, as the allegation against the accused persons including the petitioner is of snatching the tractor of the informant from the door of his driver.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Khagaria in connection with Pasraha P.S. Case No.318 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a further condition that one of the bailor of the petitioner shall be his father, namely, Saudagar Yadav.

9. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself as and when required, in that event, the learned trial court shall be at liberty to cancel



the bail bonds of the petitioner.

10. It is further made clear that if the police after investigation submits charge sheet connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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