

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41414 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

Om Prakash Yadav @ Bhuwar Yadav SON OF LAXMAN SINGH YADAV
VILLAGE- CHAUSA, PS- BUXAR MUFFASIL, DIST- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

Mr. Arvind Kumar Pradhan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2024 Heard learned counsel for the petitioner, learned APP

for the State along with learned counsel appearing on behalf of

the informant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 386, 302, 502, 506/34 of the IPC in
connection with Buxar Muffasil P.S. Case No.125 of 2024.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of five cases and thus taking advantage
of his antecedent he came to be implicated in the instant case by
the informant with general and omnibus allegation of
demanding extortion.

4. It is further submitted that husband of the
informant had purchased land from the uncle of the petitioner,



on account of which there was an altercation in between the petitioner's family and his uncle that how the land was sold when the same till date has not been partitioned. It is submitted that the informant alleges that after her husband purchased the land from the uncle of the petitioner thereafter the petitioner and his younger brother were demanding extortion of rupees three lakhs, which the husband of the informant had refused to give. Further on the date of occurrence it is alleged that she along with her husband were coming out of the house when Laxman Singh and Shiv Prakash Singh were coming by their tractor and on seeing her husband, Laxman instigated Shiv to run him over by the tractor as her husband had constructed a house on their land and also did not give ransom of rupees three lakhs demanded by petitioner. It is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that petitioner was not even present at the place of occurrence when the alleged occurrence is said to have taken place. It is submitted that it might be an accident or accused Shiv on instigation of Laxman may have deliberately dashed the husband of the informant causing death but then that is an aspect of investigation. It is further submitted that this petitioner came to be implicated along with his family members with an allegation



that he was demanding extortion. It is submitted that it is not in dispute that the land was purchased by the husband of the informant from the uncle of the petitioner and on the said land the informant's husband had already constructed his house. It is thus submitted that as to why the petitioner would have demanded extortion, rather he would not have allowed the husband of the informant to construct the house on the land on account of dispute with his uncle. It is thus submitted that the allegation of demand of extortion is general, omnibus and ornamental in nature. It is further submitted that merely because petitioner has antecedent that should not persuade the court to reject the anticipatory bail application, rather the allegation is to be appreciated.

5. The learned APP along with the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel for the petitioner that the petitioner at the time of occurrence as per FIR was not present at the place of occurrence.

6. 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar Muffasil P.S. Case No.125 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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