

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81485 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- ALOULI District- Khagaria

Rahul Kumar Son of Indradev Yadav Resident of Village - Alauli, P.S. -
Aaluli, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in a case registered for
the offence punishable under Sections 385, 379, 504 and 506/34
of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation in the FIR, the informant
Sanjay Yadav alleges that on 13.06.2024, the petitioner, with the
help of five unknown persons, alleged the theft of the
motorcycle on the informant and took Rs.1,00,000/- forcefully.
In fact, the petitioner and co-accused hid the motorcycle with
the petitioner's brother-in-law. It is further alleged that the
petitioner asked for an additional amount of Rs.2,00000/- as
extortion money and when the informant refused to give the said



amount, the petitioner came to the door of the informant and started abusing. It is believed that the petitioner had threenut(country made pistol) in his hands which he waved in the air and, with the intention to kill the informant, shot fired a bullet on the head of the informant. When the informant was hiding, a bullet passed by his ears and the petitioner was heard saying that if the informant took the name of the petitioner's brother-in-law, namely, Prince, in the case of the motorcycle's theft, the petitioner will kill him. The origin of the dispute is that one month ago, the petitioner and co-accused Pappu Kumar together planned and hid the motorcycle with the petitioner's brother-in-law and falsely accused the informant and illegally took Rs.1,00000/- from him. The petitioner further threatened the informant that if he does not follow the wishes of the petitioner and complains to the police, he will kill him.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that the present FIR was lodged after five days of the alleged occurrence and there is no explanation for delay in lodging the FIR. He next submits that there is no theft articles have been recovered from the possession of the petitioner and during investigation, no local independent PWs. have supported



the prosecution case as stated in para-13 of the present petition.
Petitioner has got clean antecedent as stated in para-3 of the petition.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid submissions made by learned counsel for the petitioner, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Khagaria in connection with Alaui P.S. Case No. 231 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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