

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68864 of 2024

Arising Out of PS. Case No.-182 Year-2024 Thana- SAHPUR District- Patna

1.

Ravi Kumar @ Ravi Sarkar Son of Mansaheb Resident of Village - Khurd Usri, Shivala, P.S. - Shahpur, District - Patna
2.

Yoje Sarkar @ Ulta @ Ujit Kumar Son of Yogendra Prasad Resident of Village - Mahamdpur, Kurji, P.S. - Phulwari Shariff, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4

17-01-2025

1.

Learned Counsel for the petitioners informs that the petitioner no. 2 has been arrested by the police during the pendency of this application and this application, so far as petitioner no. 2 is concerned, has become infructuous.

2.

Accordingly, this application, so far as petitioner no. 2, is concerned, is dismissed as having become infructuous.

3.

This application will now survive only for petitioner no. 1.

4.

Heard learned Counsel for the petitioner no. 1 and learned Additional Public Prosecutor for the State.

5.

The petitioner no. 1 apprehends his arrest in connection with Shahpur Police Station Case No. 182 of 2024, dated



18.05.2024, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 364, 387, 120-B of the Indian Penal Code.

6. The prosecution case, as per the first information report, is that his younger brother is a property dealer and on 18.05.2024, while he was sitting in his lounge (Dalan), the accused persons including the petitioner no. 1 arrived in two black Scorpio vehicle and started assaulting the informant's brother and forcibly pulled him in the Scorpio and kidnapped him on gun point. It has further been alleged that a few days before the alleged occurrence, co-accused Mithlesh Singh had demanded extortion money of Rs. 500000/- from his brother and when his brother objected, he was threatened of dire consequences.
7. Learned Counsel for the petitioner no. 1 submits that the petitioner has falsely been implicated in this case due to dispute of money between the co-accused and the brother of the informant. There is no allegation against the petitioner in the First Information Report regarding demand of extortion and the petitioner is neither the owner nor driver of the Scorpio vehicle. He next submits that the victim came back and his statement under Section



164 of the Code of Criminal Procedure, 1973 was recorded on 25.05.2024 in which he has not disclosed the name of the petitioner. In his statement under Section 164 of the Code of Criminal Procedure, 1973, the victim has stated that on the date of occurrence, i.e. 18.05.2024, while he was engaged in constructing his office along with his two friends and his brother was also engaged in filling soil near the boundary and was watering the newly constructed boundary wall, in the meanwhile 10-12 persons arrived there on two Scorpio vehicles and assaulted and kidnapped him. He next submits that there is contradiction in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973 and the statement of the informant in the First Information Report inasmuch as in the First Information Report, the informant has stated that while his brother was sitting at his Dalan on the date of occurrence the accused persons arrived on two Scorpio vehicles, but the victim i.e. the brother of the informant has said otherwise that he was busy in construction along with his brother, the accused persons arrived on two Scorpio vehicles. He further submits that similarly situated co-accused person,



namely, Alok Raj, has been granted anticipatory bail by this Court, vide order, dated 22.10.2024, passed in Criminal Misc. No. 66099 of 2024.

8. Regard being had to the submission made by the parties, taking into consideration the fact that in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973, he has not taken the name of the petitioners specifically whereas he has disclosed the name of some other accused persons involved in the alleged occurrence and similarly situated co-accused has been granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner.
9. This application is, accordingly, allowed.
10. Let the petitioner no. 1, above named, be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Patna, in connection with Shahpur Police Station Case No. 182 of 2024 subject to the condition as laid down under Section 438 (2) of the Code of Criminal



Procedure, 1973.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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