

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13102 of 2026

Arising Out of PS. Case No.-57 Year-2023 Thana- KONCH District- Gaya

Vikash Yadav Son of Horil Yadav R/o Village - Laxchan Bigha, P.S. - Konch,
Dist. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 04-05-2026 Heard Mr. Aryan Singh, learned counsel appearing
on behalf of the petitioner and Mr. Narsingh Tanti, learned APP
for the State.

2. The petitioner seeks pre-arrest bail in connection
with Konch P.S. Case No. 57/2023 registered for the offence(s)
punishable under Sections 386,387 of the IPC.

3. As per the allegation made in the FIR, during
construction of Khaira Bridge, the informant received an
extortion demand through a letter and subsequent threatening
calls, with reference to prior similar incidents at the site, and on
such suspicion, the F.I.R. has been lodged against unknown
persons.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner has been falsely implicated



in the present case. The F.I.R. has been lodged against unknown persons and no material has surfaced during investigation connecting the petitioner with the alleged demand of extortion, particularly no evidence to show that any mobile number belonging to the petitioner was used. Learned counsel further submitted that no extortion amount has been paid and thus the essential ingredients of Sections 386 and 387 IPC are not attracted. Learned counsel placing reliance upon the judgment passed by the Apex Court in the case of ***Dhananjay v. State of Bihar***, reported in ***(2007) 14 SCC 768***, submitted that to constitute an offence of extortion, it must be shown that the accused intentionally put a person in fear of injury and thereby dishonestly induced delivery of property. In the present case, no such inducement has taken place. Even the suspicion raised in the F.I.R. is based on earlier occurrences in which the petitioner was not an accused. The implication of the petitioner is solely based on the confessional statement of a co-accused, which has no evidentiary value in absence of corroboration. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. *Per contra*, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf



of the parties, as well as, having perused the allegation made in the FIR it appears that the F.I.R. has been instituted against unknown persons and the implication of the petitioner has surfaced only during investigation without any substantive material connecting him to the alleged offence. No material has been brought on record to show that the petitioner was involved in making any demand of extortion through letter or mobile communication. In case of ***Dhananjay (supra)***, it is evident that the offence of extortion requires intentional putting of a person in fear and consequent dishonest inducement for delivery of property. In the present case, admittedly no extortion amount has been paid, and *prima facie* the essential ingredients of the offence are not satisfied. The implication of the petitioner appears to be primarily based on the confessional statement of a co-accused, which, in absence of independent corroboration, carries limited evidentiary value at this stage. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending / Concerned Court in connection with Konch P.S. Case No. 57/2023, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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