

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25369 of 2015

Arising Out of PS.Case No. -2524 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Md. Mr. Khan @ Meenu son of Md. Sulaman Khan Resident of Naya Tola
Kafirpur, Rahmatbag, Police Station - Masudanpur (Nathnagar), District -
Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.

2. Md. Rustam @ Minu son of Md. Yasin resident of village -
Khilafatnagar, Police Station - Habibpur, District - Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjeev Ranjan, Advocate.

For the Opposite Parties : Mr. Md . Ansarul Haque (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-08-2015 Heard both sides.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 384, 387, 326, 504, 34 and
120B of the Indian Penal Code.

The complainant alleged that the petitioner called him
in police station where the police officials demanded extortion of
Rs. 1 lakh and due to non-payment the complainant was brutally
assaulted by the police officials. The first occurrence took place on
18.08.2012, second took place on 19.08.2012 and the 3rd took
place on 07.09.2012. When the complainant went to the police
station he was brutally assaulted. The complaint petition was filed
on 09.11.2012 i.e. after two months of the occurrence.



It is submitted that other accused persons namely Kumod Kumar and Sanjay Kr. Biswas have already been enlarged on bail by the learned Sessions Judge. The complainant himself is an accused in a murder case in which he made his statement under Section 164 of the Cr.P.C. but did not disclose about the facts alleged in the present complaint petition. The petitioner is in jail since 14.10.2014.

On the other hand, Sri Ansul the learned counsel for the complainant vehemently opposed the prayer for bail and submitted that the petitioner has got long history of criminal activities, as many as 19 criminal cases are pending against him, but he has already been enlarged on bail. The petitioner did not disclose this fact in para-3 of the bail petition and thereby he committed fraud with the Court, therefore, the petitioner is not entitled to be enlarged on bail.

Considering the facts aforesaid and the fact that in the present case only allegation against the petitioner is that he called the complainant in the police station, but he did not even touch the complainant, of course, the petitioner has got criminal antecedent but he has already been enlarged on bail in those cases and he is in jail for last 10 months, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten

Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Complaint Case No. 2524 of 2012.

(Prabhat Kumar Jha, J.)

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