

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Miscellaneous No.49619 of 2014**

Arising Out of PS.Case No. -38 Year- 2014 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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1. Munchun Singh Son of Ramchandra Singh @ Ramchandra Mahto,
Resident of Village - Parsauni, P.S. - Pakaridayal, District - East Champaran
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Ram Naresh Roy (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

3 06-04-2015

Heard learned counsel for the petitioner as well as

learned APP for the State.

It is alleged that petitioner along with his associates, Dhiraj and Abhay demanded Rs. 2 Lakhs from a contractor, Sanjay Kumar, engaged in construction of road whereupon, informant, who is a Mukhiya was informed. The informant along with other villagers went to the place of petitioner, met with his father, disclosed the event and on query made by his father, the petitioner admitted as well as also threatened the informant over his mobile of dire consequences and in the aforesaid background, has also been alleged that petitioner along with his associates had made indiscriminate firing on 19.03.2014.

It has been submitted on behalf of the petitioner that he happens to be under custody since 06.05.2014 as well as he has got criminal antecedents but the fact remains that he has been victimized, otherwise police would have seized the mobile set

belonging to his father and had traced out whether on the alleged date there was talk in between father and son. It has further been submitted that petitioner is ready to abide by the condition, if any, imposed while granting bail.

Learned APP opposed the prayer and submitted that apart from nature of offence, criminal antecedents of petitioner do not justify his prayer.

Taking into account the nature of allegation inconsonance with the period of detention, petitioner, Munchun Singh is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sub-divisional Judicial Magistrate, Sikrahana, East Champaran at Motihari in Pakaridayal PS Case No.38 of 2014, subject to the condition that one of the bailors must be a Government servant who along with petitioner will give an undertaking before the learned lower court that they will not indulge in criminal activity henceforth. Violation of the same will disentitle the petitioner to continue with the privilege.

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(Aditya Kumar Trivedi, J)

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