

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28496 of 2015

Arising Out of PS.Case No. -165 Year- 2015 Thana -PURNEA SADAR District- PURNIA

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1. Md. Majlis Alam son of Late Rojit Alam Resident of Village - Damka Chowk, P.S. Sadar, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 16-10-2015

Heard the learned counsel for the petitioner, the learned A.P.P as also learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 504, 506, 435, 384 and 386 of the I.P.C

Allegedly, the petitioner demanded Rs. 25,000/- as ransom from the informant and due to fear he gave Rs. 5,000/- earlier but again on 06.05.2015 the petitioner demanded rest Rs. 20,000/- otherwise to burn his shop and in the night he came and burnt his shop. The local people extinguished the fire.

Submission is of false implication and that due to previous enmity he has been implicated. The petitioner has also filed Sadar P.S. Case 572 of 2014 against Usman, Riyazuddin and others wherein charge sheet has been submitted. The informant party also took Rs. 21,500/- from the pocket of the petitioner.

Sections 384 and 386 I.P.C. has been added only to make the case non-bailable. No information was given earlier regarding demand of ransom at the time of payment of Rs. 5,000/- and the petitioner is suffering in custody since 07.05.2015. The petitioner has got one other case also wherein he is on bail.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that it is the habit of the petitioner to demand ransom.

In the facts and circumstances as stated above, as charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such considering detention of the petitioner he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Purnea in Sadar P.S. Case No. 165 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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