

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31804 of 2016

Arising Out of PS.Case No. -131 Year- 2015 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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1. Loha Singh son of Late Yamuna Singh resident of Village- Harnathpur
Parsauni, P.S.- Pakaridayal, District- East Champaran.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 16-09-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Pakarideyal
P.S. Case No. 131 of 2015 registered for the offences punishable
under Sections 384, 385, 341, 323, 448, 504, 506 of the Indian
Penal Code.

Allegedly, earlier on 17.09.2015 on mobile ransom of Rs.
5,00,000/- was demanded and on 23.09.2015 again demand was
made and then the informant went to Pakrideyal Police Station to
give information then 4-5 miscreants came at his door and tried to
take away the son of the informant but the lady habitants saved
him and miscreants fled away. Thereafter, on 26.09.2015 the
petitioner and two other co-accused came and entered into the
shop of the informant and started assaulting him with feet and fat

and demanded ransom giving last warning and thereafter, they fled away.

Submission is of false implication and that the FIR has been lodged on 01.10.2015 after much delay as last occurrence is alleged to be taken place on 26.09.2015, there is no explanation for lodging FIR after such delay, the prosecution story appears not probable and reliable and in a manufactured story the petitioner is suffering in custody since 08.04.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. It is further submitted that only offence under Section 385 IPC is made out which is bailable in nature.

Learned APP fairly submits that the FIR has been lodged after much delay.

In the facts and circumstances stated above, considering the period of detention and further chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Additional Chief Judicial Magistrate, East Champaran at Motihari in connection with Pakarideyal P.S. Case No. 131 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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