

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9575 of 2016

Arising Out of PS.Case No. -71 Year- 2013 Thana -SONO District- JAMUI

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Kailash Rabidas Son of Yugal Rabidas, Resident of Boghayat, P.S. - Sono
(Charkapather), District - Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satya Prakash Parasar, Advocate.

For the Opposite Party : Ms. Sucheta Yadav(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner is languishing in judicial custody since 28.12.2015 in connection with Sono (Charkapather) P.S. Case No. 71 of 2013 arising out of Complaint Case No. 664C of 2013, for the offences alleged under Sections 420, 427, 468, 406, 386, 341, 323, 307 read with Section 34 of the Indian Penal Code.

The prosecution case as per the complainant Upendra Yadav in brief is that on 10.11.2009 this petitioner claiming that his son is Vodaphone Company agent, along with other co-accused persons approached him and asked him to pay Rs. 1,20,000/- for installation of Vodafone tower upon complainants' land, for which complainant will get ten thousand per month, the



sum of Rs. 1,20,000/- will be returned and one guard will be placed on his land. The complainant/informant at the inducement of accused persons deposited Rs. 2000/- and Rs. 4000/- on 17.11.2009 and on 7.1.10 in the account of this petitioner and got deposited Rs. 15,000/- from Raju Yadav and accordingly petitioner grabbed Rs. 66,700/- from informant but he did not install tower on his land. When informant went for installation of tower accused persons hurled abuses to him. Petitioner sat on his chest and attempted to strangle him. Other accused persons also assaulted the informant and this petitioner had also grabbed money of other persons.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. It is further submitted that the petitioner has clean antecedent and the present case is a counter version of the earlier case filed by the petitioner against the informant and other witnesses bearing Complaint Case No. 286C of 2012 under Sections 380, 452, 384 and 504 of the Indian Penal Code and under Section 3(x) of the SC/ST Act. It has also been submitted that the matter has been compromised between the parties which is Annexure-3 to this application stating therein that the petitioner is a social worker and under wrong advice the informant has

mistakenly implicated the petitioner.

However, the learned APP for the State submits that the petitioner is named in the FIR and opposes the prayer for bail.

Be that as it may, let the petitioner above named 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 the learned Additional Chief Judicial Magistrate, Jamui in connection with Sono (Charkapather) P.S. Case No. 71 of 2013 arising out of Complaint Case No. 664C of 2013.

(Nilu Agrawal, J.)

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