

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51543 of 2017

Arising Out of PS.Case No. -31 Year- 2017 Thana -BALIA District- BEGUSARAI

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Pancha Kunwar @ Panchanand Mishra @ Panchanand Kunwar @ Pancha
Kumar, Son of Hari Ballav Kunwar @ Hari Ballav Mishra, resident of
Village- Goklenagar, Bishnupur, P.S.- Ballia, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
18.03.2017 in connection with Ballia P.S. Case No. 31 of 2017 for
offences punishable under Sections 384, 387 of the Indian Penal
Code.

The prosecution case, as lodged by the partner of Astha
Engicon, is that they were given a contract of road and site in-
charge was one Niraj Kumar, the petitioner came to the site on
05.02.2017 and demanded five lacs as Rangdari otherwise the
work would be stopped. Again the petitioner came on 06.02.2017
and stopped the work. On 07.02.2017, the matter was brought
before the Panchayat and representatives of people but again on



08.02.2017, the petitioner armed with pistol and rifle again threatened and demanded Rangdari otherwise no construction would allowed. It is alleged that the petitioner has formed a gang of such criminal persons and demanding Rangdari and creating terror in the locality.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He belongs to the said locality and because of construction of road there was some dispute with the villagers which has been self stated in the F.I.R. that the matter was to be resolved at the Panchayat level. He submits that charge-sheet has already been submitted and he has been remanded in the present case. So far criminal antecedent of the petitioner is concerned, he has been acquitted in two old cases and he has been falsely implicated in two more cases of similar nature.

However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that the petitioner along with his associates have formed a gang in looting and demanding Rangdari from the contractors and have threatened and created a sign of terror in the entire locality .

Considering the facts and circumstances and the materials on record as well as the period of custody, let petitioner,



above named, 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 learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No.31 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (4) The petitioner will also appear before the concerned police station and mark his attendance in the first week of every month till one year, failing which, his bail bonds will be cancelled.

(Nilu Agrawal, J)

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