

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74213 of 2018

Arising Out of PS. Case No.-159 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Vinay Kumar Choudhary, Son of Ramsawarth Choudhary, Resident of
Village- Kaji Chack Dharampur, Police Station-Muffasil, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr. Md. Arif (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 13-12-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Mufassil P.S. Case No. 159 of 2018 registered
for the offences punishable under Sections 147, 149, 323, 341,
379, 387, 427, 504, 506 of the Indian Penal Code.

Informant has alleged in his written complaint addressed
to Officer-in-charge police station that he is Ward Councilor
and on 16.03.2018 at about 8 P.M. in the night when he was in
his shop petitioner along with five unknown associates came to
his shop in drunken condition and demanded Rs. 25,000/- as
ransom and on refusal he was abused and assaulted by the
petitioner and he snatched away Rs. 15,000/- from his shop



and also damaged the property of the shop.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. The date of occurrence has been alleged to be of 16.03.2018 but written complaint was made on 21.03.2018. There is political rivalry between the parties and he had also instituted a case against informant and in retaliation of those cases present case has been filed. Petitioner has one criminal antecedent. Petitioner is in custody since 16.10.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Samastipur, in connection with Muffasil P.S. Case No. 159 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/Manoj

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