

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82697 of 2019

Arising Out of PS. Case No.-125 Year-2019 Thana- RAXAUL District- East Champaran

Deepak Kumar Son of Late Thakur Pandit Resident of Village-Dhangadhwa
Tola Pareua Ward No.1, P.S.- Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ajay Kumar Srivastava Son of Kailash Prasad Advocate Civil Court,
Motihari, East Champaran, Resident of Amar Chhatauni, P.S.- Motihari
Muffasil, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in **Raxaul P.S.**
Case No. 125 of 2019 G.R. No. 497/2019, registered for the
offence punishable under Sections 392, 387, 504 and 506 of the
Indian Penal Code and section 27 of the Arms Act.

As per prosecution case on 07.04.2019 at about 8.00
a.m., the informant went to see his land, where Dharmendra
Pandit called him at his house and the informant gave him Rs.
1,50,000/- for purchasing land. In the meantime, petitioner and
co-accused Syed Ansari and 04 to 05 unknown persons came
and scuffle took place among them. Petitioner took out pistol



from his waist and pointed the same at the temple of informant and said that he got registered land from his mother 15 years ago in the name of his wife and demanded Rs. 2 lakhs as extortion. Petitioner used to demand extortion earlier and snatched bag containing Rs. 1.5 lakhs and also gold chain worth Rs. 55,000/-. On alarm raised by the informant, people assembled there and petitioner after opening fire in the air fled away along with others.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case. During course of investigation, the present case has been found true under Section 341 and 504 of the Indian Penal Code which are bailable. The case under Sections 392, 387 of the Indian Penal Code and section 27 of the Arms Act is not made against the petitioner. Petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned **Sub-Divisional Judicial Magistrate,**



Raxaul, East Champaran, Motihari in connection with
Raxaul P.S. Case No. 125 of 2019, G.R. No. 497 of 2019,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure with further conditions:-

(i) The 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 the
Court and in the event of failure on two consecutive dates
without sufficient reasons, his bail bond shall be liable to be
cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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