

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18552 of 2020**

Arising Out of PS. Case No.-172 Year-2019 Thana- ATHMALGOLA District- Patna

Mukesh Kumar Yadav @ Chhotu Rai, aged about 23 years, Male, Son of  
Ranjit Rai, Resident of Village- Burhra, P.S.- Athmalgola, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr.Murli Manohar Singh, Advocate |
| For the State        | : | Mr.Humayou Ahmad Khan, A.P.P.    |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      08-06-2020                      Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with  
Athmalgola P.S. Case No. 172 of 2019 registered for the  
offences punishable under Sections 341, 323, 325, 307, 385,  
379, 504, 506, 34 of the Indian Penal Code and Section 27 of  
the Arms Act.

The prosecution case, in brief, as contained in the  
fardbeyan of the informant, namely, Santosh Kumar, is that on  
dated 18.09.2019 at about 10.01 P.M., he was doing “Katab  
Nirodhak Work” near Ram Nagar Puliya. In the meantime,  
Chhotu Rai, Lux Rai, Kallu Rai, Soniye Rai and Buchi Rai  
arrived there along with one unknown persons and started  
abusing to him and ordered to stop the work and further spoken  
that they will not allow to do work while the extortion money



cash Rs.50,000/- would not be paid but he has continued to his work. After getting information, his contractor came there after half an hour and ordered to him to brought diesel, t hen he was going to bring the diesel for generator. When, he reached near northern Ganga Bridge, Ram Nagar Diyara at N.H.30, then all the aforesaid six accused persons restrained to him and started abusing. When it was protested by him then, Chhotu Rai has made fire from Katta but no injury was caused to him thereafter, Soniye Rai and Buchi Rai caught him and Lux Rai has started assaulting to him by Katta on his head. Kallu Rai has also assaulted to him by iron rod. His right hand fractured and also got injury on his head. Thereafter, Chhotu Rai has taken away cash Rs.17,000/- from his pocket and Lux Rai has also snatched his mobile and gold chain. He was treated at P.H.C. and thereafter referred to P.M.C.H., Patna.

Learned counsel for the petitioner submits that the petitioner has not involved in the alleged occurrence. He has been falsely implicated in the instant case at the instance of his village rivals due to dirty village politics. He further submits that there is undue delay in reporting the occurrence as well as in sending the F.I.R. to the court of the learned Magistrate which is unexplained. He further submits that during course of



investigation, no one has claim to be eye witness of the alleged occurrence. There is no specific allegation against the petitioner. Chhotu Rai has made fire from Katta but no injury was caused to him. Soniye Rai and Buchi Rai caught him and Lux Rai has started assaulting to him by Katta on his head. Kallu Rai has also assaulted to him by iron rod. His right hand fractured and also got injury on his head. He further submits that no incriminating article has been recovered from conscious possession of the petitioner and no T.I.P. was held and the petitioner is in jail custody since 23.12.2019. The petitioner has got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer.

In the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of S.D.J.M., First Barh, District- Patna in connection with Athmalgola P.S. Case No.172 of 2019.

**(Anjani Kumar Sharan, J)**

Nasimul/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

