

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1321 of 2020**

Arising Out of PS. Case No.-6 Year-2020 Thana- KHAGARIA District- Khagaria

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KISHAN KUMAR @ GHOGHLA MAHTO @ KISHAN MAHTO @
KRISHAN KUMAR @ KRISHAN MAHTO Son of Ramchandra Mahto
Resident of Village- Bhagat Tola, P.S.- Khagaria, District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Praveen Kumar Agrawal, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 04-11-2020 Heard learned counsel for the appellant and learned
Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 11.5.2020 passed by the learned Additional Sessions Judge 1st -cum-Special Judge, SC/ST Act, Khagaria whereby the prayer for bail of the appellant in connection with Khagaria P.S. Case no. 6 of 2020 registered under sections 307, 387, 363, 365, 342, 379 and 34 of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s) and 3(2)(v)(a) of the SC/ST(POA) Act was rejected.

As per allegation in the FIR, the 3 named accused persons including the appellant herein along with 4-5 other



persons came on a motorcycle. It is stated that Rohit Kumar and Babloo Kumar on the point of pistol demanded rangdari and thereafter took away the informant on the motorcycle. The appellant was also seated on the motorcycle. It is further stated that on demand a sum of Rs.50,000/- was paid by the wife of the informant who handed the amount to the appellant herein. It is finally stated that the informant managed to escape by breaking the ventilator of the bathroom where he was confined.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted. There is an unexplained delay of six days in lodging of the fardbeyan which led to registration of the FIR, after a delay of 15 days. From the FIR it would transpire that the allegation of threats with the pistol is specific on Rohit Kumar and Babloo Yadav and not this appellant. The appellant is in custody since 23.3.2020 and has no criminal antecedent.

The appeal is opposed by learned Spl. PP appearing for the State

Having heard learned counsel for the parties and taking into consideration the allegations as levelled



against this appellant in the FIR wherein he is not only stated to have been present on the motorcycle when the informant was forcibly taken away but it has also been stated that the amount was paid by the wife of the informant to the appellant, the Court is not inclined to allow the instant appeal.

However, taking into consideration that the investigation in the case has already concluded so far as the appellant is concerned, in the facts and circumstances of the case liberty is granted to the appellant to renew his prayer for bail after completing one year in custody.

(Partha Sarthy, J)

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