

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77846 of 2019

Arising out of PS. Case No.-285 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

1. Manish Kumar (M) aged about 38 years son of Ramadhar Singh
2. Rajesh Kumar (M) aged about 40 years son of Ramchandra Singh
Both resident of Village - Gaighat, P.S.- Runnisaidpur, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Pushpendra Kumar Singh, learned counsel for the petitioners and Mr. Awadesh Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP'), for the State.

3. The petitioners apprehend arrest in connection with Runnisaidpur PS Case No. 285 of 2019 dated 16.07.2019, instituted under Sections 341/323/307/385/379/506/34 of the Indian Penal Code.

4. The allegation against the petitioners and another



named accused and 7-8 unknown, is of forcibly taking away rupees eighteen hundred from the conductor of the bus and also demanding extortion of rupees two hundred per day for plying the bus.

5. Learned counsel for the petitioners submitted that the entire allegation is false and concocted. It was submitted that the informant lives in a different village, far away from that of the petitioner, but the conductor of the bus is of the same village as the petitioners and he had disclosed the name and details of the petitioners, which is mentioned in the FIR itself. It was submitted that because the bus passes in front of their village and they had come from the bus, due to some dispute relating to fare, there was some hot discussion and the petitioners have been falsely implicated. It was submitted that the conductor of the bus being a co-villager, it could not be expected that the petitioners knowing fully well that they are identified could not have acted in the manner alleged. It was submitted that there is no independent witness, either by way of the passengers or the so-called villagers who are said to have gathered after the incident. Learned counsel submitted that petitioners have no other criminal antecedent.

6. Learned APP, from the case diary, submitted that



two witnesses have supported the prosecution story. However, on a query of the Court, it was submitted that both the witnesses were conductor and *khalasi* of the bus. Learned APP could also not controvert the fact that no other case is pending against them, as per the case diary.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25, 000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in Runnisaipur PS Case No. 285 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and subject to further conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to



cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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