

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87192 of 2019

Arising Out of PS. Case No.-464 Year-2019 Thana- MAJHAULIA District- West Champaran

KUNDAN SAH Son of Sheo Sah Resident of Village - Sarisawa Bazar, P.S.-
Majhauria, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sanjeev Kumar
For the Opposite Party/s :	Mr.Uma Shankar Prasad Singh
for the Informant :	Mr. Sanjeev Kumar Shrivastava
	Mr. Ravish Mishra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-02-2020 Heard the parties.

The petitioner seeks regular bail in connection with Majhauria P.S.Case No.464 of 2019 registered for offences punishable under Sections 341, 323, 324, 307, 385, 379, 506 and 34 of the Indian Penal Code.

As per the prosecution case while the informant was going petitioner and several other accused persons tied *Gamchha* around his neck and pull him due to which he fell down from the motorcycle and one co-accused Akash Kumar assaulted. So far this petitioner is concerned, it is alleged that he has taken away Rs.1.95 lac from the *Dicky* of the motorcycle. Apart from that it appears that the petitioner is accused in two



other case though they are of excise Act.

Submission of the learned counsel for the petitioner is that from the case diary it will appear that the injury report was prepared at 4.50 P.M. whereas the occurrence is of the night. Further there is delay in sending the FIR to the CJM court of four days and that creates a chance of manipulation in the present case. So far criminal antecedent is concerned, He is accused in excise Act cases.

Heard learned A.P.P. and the learned counsel for the informant, who has submitted that several witnesses during their statement before the police have stated that the petitioner is a member of one *Mahakal* gang and he used to extort money from the business man of the locality and it will appear from the impugned order also and the learned counsel for the petitioner has also supported the above submission of the learned counsel for the informant..

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran in connection with Majhulia P.S.Case No.464 of



2019.

With the above direction, this application is
allowed.

(Vinod Kumar Sinha, J)

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