

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23687 of 2021

Arising Out of PS. Case No.-535 Year-2020 Thana- AMARPUR District- Banka

1. Manza Yadav, aged about 45 years, Male Son of Late Amrit Yadav, Resident of Village - Mahammadpur, PS - Amarpur, District - Banka.
2. Lalu Yadav, aged about 20 years, Male Son of Rajendra Yadav, Resident of Village - Jankipur, PS - Amarpur, District - Banka.
3. Sanni Kumar, aged about 21 years, Male Son of Sunil Yadav, Resident of Village- Golahu, PS and District - Banka.
4. Mithun Kumar @ Prince @ Mithun Ku. Yadav, aged about 24 years, Male Son of Gopal Prasad Yadav, Resident of Village - Badi Mirzapur, PS and District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-07-2021

The matter has been heard via video conferencing.

2. Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioners and Mr. Awadhesh Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Amarpur PS Case No. 535 of 2020 dated 04.09.2020, instituted under Sections 147, 148, 149, 323, 379, 386, 504 and 506 of the Indian Penal Code.



4. The allegation against the petitioners and five other named and about 30 unknown persons, is that they were demanding extortion from the tractor drivers and from the informant and his associates, who were riding on a motorcycle, they had taken Rs. 1,50,000/- and had also assaulted the partner of the informant by knife.

5. Learned counsel for the petitioners submitted that they are of a different village than that of the informant and, thus, there was no occasion for them to have been identified, which indicates false implication at the behest of some other persons. It was further submitted that the petitioners have no criminal antecedent and that no injury report is on record despite the allegation being made that the partner of the informant was assaulted by knife. Learned counsel submitted that even the so-called tractor drivers from whom extortion is said to have been demanded, have not complained before any authority.

6. Learned APP, from the case diary, submitted that witnesses have stated that both the sides i.e., the informant and the petitioners used to work together and collect money from the drivers of tractors on the pretext of making a diversion, as a bridge was being constructed at the site, but because of differences between them, the present incident has occurred and did not



controvert the fact that no tractor driver has made any complaint, as the same has not come in the police investigation and further that there was fight between the two groups.

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, Banka in Amarpur PS Case No. 535 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (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 illegal/criminal activity, act in violation of any law/statutory provisions, 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. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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