

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25020 of 2021**

Arising Out of PS. Case No.-313 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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HEMANT KUMAR Son of Sri Mahesh Prasad Singh Resident of Village-
Jarang Rampur, P.S.- Belsar O.P. Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Ajay Kumar Thakur
Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

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

4 23-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 386, 287,
120B and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the
informant that he was in judicial custody in Central Jail in
connection with Kaji Mohammadpur P.S. Case no. 92 of 2020.
At this time Hemant Kumar was also in custody. It is stated that
Hemant Kumar, Mithilesh Singh and Golu Thakur telephoned
the informant's wife repeatedly giving instructions that the
pending cases should be withdrawn or else the entire family
would be killed. On written information having been given by



the informant to the Jailor, Mithilesh Singh was shifted to Bhagalpur jail. On this the petitioner started to mentally torture the informant. Information by way of oral complaint was given by him to the Jailor. At the time of the informant being released from custody, it is stated that the petitioner, Golu Thakur and his friends abused him. Their friends carried out recce and on 26.5.2020, it is stated that the petitioner and Golu Thakur telephoned and threatened him from jail to withdraw the cases and to pay a sum of Rs. 2 lacs which had been incurred in expense.

It is submitted by learned counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. The allegations are vague and unsubstantiated. It is submitted that no occurrence as alleged has taken place. The petitioner has been falsely implicated at the instance of the earlier Director General of Police as the petitioner being an RTI activist has been pursuing different controversies involving him by filing various applications under the Right to Information Act and also preferring first and second appeals before the appellate authorities. He also preferred complaint case against the erstwhile Director General of Police and the same being rejected, preferred criminal revision in this Court. It is submitted



that it is at his instance and by persons associated with him that large number of cases were registered against the petitioner and in most of them he has been enlarged on bail. The petitioner is in custody since 17.6.2020 and chargesheet has been submitted.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the petitioner having remained in custody for 1 year 6 months and chargesheet having been filed in the case, the petitioner is directed to be enlarged on bail in connection with Town P.S. Case no. 313 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur.

(Partha Sarthy, J)

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