

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23396 of 2020

Arising Out of PS. Case No.-142 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Krishna Kumar @ Babua Singh, Son of Late Fulena Singh, Resident of
Village-Pahsara, P.S.-Naokothi, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Mr. Rajeev Nayan, APP
For the Informant	:	Mr. Abdul Kalam, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 22-01-2021 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks bail in connection with Naokothi
P.S. Case No.142 of 2019 registered under Sections 342, 386,
448 and 506 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that the allegations made in the first information
report are false and frivolous. The petitioner happens to be an
agnate of the complainant Rajeev Bhartee, who is a practising
advocate and taking advantage of his legal profession, he filed
the complaint applying his legal brain and succeeded in getting
the petitioner detained for over one year. He contended that
there is an ongoing dispute relating to land between the parties.
A proceeding under Section 144 of the Code of Criminal



Procedure vide Case No.9M of 2019 was also pending in the court of learned Sub Divisional Magistrate, Manjhaul. He further contended that the brothers of the petitioner have also filed Complaint Case No.483 of 2019 and Complaint Case No.2126 of 2019 against the members of the prosecution party on 28.02.2019 and 13.11.2019 respectively.

On the other hand, learned counsel appearing for the State being assisted by the learned counsel for the informant vehemently opposed the prayer for bail of the petitioner. He submitted that from the allegations made in the complaint, it would be apparent that when the informant, who is a practising advocate was sitting at his door after returning from the court, the accused persons with an intention to commit crime armed with various arms came at his door and accused Ram Vilash Singh took out pistol from his waist and threatened to kill him. He also threatened to withdraw the case bearing Naokothi P.S. Case No.20 of 2019 and not depose in that case, pursuant to which, the brother of the informant, namely, Vikash Kumar paid Rs.50,000/- to the accused Ram Vilash Singh.

Having regard to the rival contentions and the facts and circumstances of the case, especially, the fact that the petitioner is in custody since 20.01.2020 and his custodial



interrogation is not warranted, he is directed to be released on bail 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 Judicial Magistrate-1st Class, Begusarai in connection with Naokothi P.S. Case No.142 of 2019.

(Ashwani Kumar Singh, J.)

sanjeet/-

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