

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35113 of 2020

Arising Out of PS. Case No.-54 Year-2020 Thana- LALGANJ District- Vaishali

1. LALAN SINGH Son of Late Dharamnath Singh Resident of Village- Lal Basanta, P.S.- Lalganj, District- Vaishali.
2. Suresh Sah, Son of Late Bhuneshwar Sah Resident of Village- Salahpur, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Bela Singh, Advocate
For the Opposite Party/s :	Mr. Ajay Kumar-II, APP
For the Informant :	Mr. Niraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 22-03-2021 A supplementary affidavit has been filed by the learned counsel for the petitioner stating that name of petitioner no. 2 has been wrongly typed in the bail petition as Dilip Sahni in place of Suresh Sah.

Heard Ms. Bela Singh, learned counsel for the petitioner and Mr. Niraj Kumar for the informant. The State is represented by Mr. Ajay Kumar-II, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Lalganj P.S. Case No. 54 of 2020 dated 16.02.2020 instituted for the offences under Sections 341, 323, 324, 379, 504, 506, 385 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners are alleged to have waylaid



the informant and snatched away the money which he was carrying in his pocket. The petitioner no. 1 is also said to have fired from his weapon which did not hit him. The cause of occurrence, as narrated in the FIR, is the persistent demand of the accused persons including the petitioners to pay to them protection money by the informant.

Learned counsel for the petitioners has submitted that absolutely false and concocted case has been lodged by the informant against the petitioners. In fact, the petitioner no. 1 who had earlier filed a case vide Lalganj P.S. Case No. 52 of 2020 dated 16.02.2020 against the informant and four other unknown persons for offences under various Sections of the Penal Code including Sections 379, 506 and 34 of the Indian Penal Code.

The reason for false implication is that the informant and the petitioner have been carrying on business in partnership and some amount which was due against the informant was not paid and this case has been lodged only on the demand for such money.

In the bail application, there is reference of only one case against the petitioner no. 1 but by way of supplementary affidavit, it has been brought to the notice of this Court that there is another case against



the petitioner no. 1 vide Lalganj P.S. Case No. 1 of 2016 in which the informant of this case also was a co-accused and in that case the petitioner is on bail.

Learned counsel for the informant, however, has pointed out that the petitioner no. 1 is an accused in another case of the year 1997.

There is no criminal antecedent of petitioner no. 2.

Be that as it may, regard being had to the nature of accusation against the petitioners and the background facts, the petitioners viz. Lalan Singh and Suresh Sah are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Vaishali in connection with Lalganj P.S. Case No. 54 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

