

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33851 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- CHANDRADIP District- Jamui

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Santosh Kumar, aged about 25 years, (Male), Son of Munni Master, Resident of Village-Mohanpur, P.S.-Chandradeep, District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Umesh Prasad, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Chndradeep PS Case No. 6 of 2020 dated 15.01.2020, instituted under Sections 341/323/307/379/384/504/506/34 of the Indian Penal Code.

4. As per the FIR, on 14.11.2020 at 9:00 pm, when the informant was going from his courtyard to his house, he saw the accused persons in a state of intoxication assaulting Chhotu Sao and when he asked not to do so, they were enraged and co-accused Jawahar Mistri made an attempt with iron rod on the



informant and co-accused Jitendra Kumar inflicted blow with iron rod on the head of the informant and Suraj Kumar and the petitioner also assaulted him with *lathi* and *danda* and took out Rs. 10,000/- from his pocket and also demanded Rs. 50,000/- as extortion money.

5. Learned counsel for the petitioner submitted that the petitioner is innocent having no criminal antecedent. It was submitted that due to village politics he has been implicated and further that even the allegation against him is general and omnibus with cosmetic addition that Rs. 10,000/- was taken out from the pocket of the informant and there was demand of Rs. 50,000/- by way of extortion. Learned counsel submitted that the injury report also does not corroborate the allegation as only one lacerated wound on frontal scalp has been found which is not attributable to the petitioner

6. Learned APP submitted that there is allegation against the petitioner also of assault and snatching of Rs. 10,000/- and demanding extortion.

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 petitioner be released on bail upon



furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate 1st, Jamui in Chandradeep PS Case No. 6 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 petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he 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 his bail bonds. The petitioner 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 his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the



petitioner.

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

(Ahsanuddin Amanullah, J)

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