

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50213 of 2021

Arising Out of PS. Case No.-104 Year-2015 Thana- MINAPUR District- Muzaffarpur

1. AJAY KUMAR S/o Mahendra Bhagat R/O Village - Mauna, P.S. - Baruraj, Dist. - Muzaffarpur.
2. Jai Kishun Bhagat S/O Late Aklu Bhagat R/O Village - Pokherera, P.S. - Saraiya, Dist. - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Jyotsna Rani Mishra

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Minapur P.S. Case No. 104 of 2015 registered for the offences punishable under Sections 385, 387, 506 of the IPC.

According to prosecution case, the informant alleges that he was owner of a brick kiln and on 20.03.2015 levy of Rs. 45,000/- was demanded on his phone. The caller disclosed himself to be an area commander of Maoist organization and



gave threat of life, if his demand is not fulfilled.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence and they have falsely been implicated in the present case. Petitioners are not named in the FIR. Name of the petitioners has been transpired on the basis of confessional statement of co-accused Sukhari Mahto. He further submits that co-accused Sukhari Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 04.04.2018 passed in Cr. Misc No. 13851 of 2018. Petitioner no. 1 is in custody since 06.01.2021 and petitioner no. 2 is in custody since 15.04.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioners carry one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge cum Special Judge, Muzaffarpur in connection with Minapur P.S. Case No. 104 of 2015, subject to the following conditions:-

1. Petitioners shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

shahzad/-

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

