

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4842 of 2021

Arising Out of PS. Case No.-67 Year-2017 Thana- NASRIGANJ District- Rohtas

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MANOJ YADAV @ MANOJ KUMAR SINGH SON OF ANANT SINGH
VILLAGE CHHULKAR, P.S. SANJHAULI, DISTRICT- ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-06-2021 Heard Mr. Rakesh Kumar Shrivastava, learned
counsel for the petitioner and Mr. Akshay Lal Pandit, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner seeks regular bail in connection with
Nasriganj P.S. Case No. 67 of 2017 registered for the offences
punishable under Section(s) 384, 385, 386, 395 and 397/34 of
the Indian Penal Code 1860.

The allegation as per the First Information Report is
that the informant is a Proprietor of a Construction Company of
Shri Balaji Enterprises who was awarded a contract for
construction of the godown by the Bihar State Building
Construction Corporation Ltd. It has further been alleged that
co-accused Sudama Prasad, Ex-District Councilor, along with



his wife Sushila Yadav, Ex-District Councilor, arrived at the construction site and told the labourers and the staffs to stop the work stating that unless the extortion amount was not paid by the contractor, they would not allow the work to start. It has further been alleged that on 21.4.2107 the said Sudama Yadav along with the petitioner and other co-accused persons arrived at the construction site, threatened the staffs and labourers and opened fire, due to which, one of the labourers received gun shot injury in his thumb and told the staffs to stop the work and threatened them of dire consequences.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive inasmuch as there was a dispute regarding the land in question on which the construction work was being started by the informant's construction company and co-accused Sudama Yadav. The co-accused Sudama Yadav claimed to be the raiyati owner of the land on which the construction of the godown was being made by the informant. Learned counsel also submits that Sudama Yadav had obtained stay from this Court in a writ application filed by him and taking into consideration his claim regarding the land in question, co-accused Sudama Yadav @ Sudama Singh and his wife Sushila Yadav have been granted



anticipatory bail by co-ordinate Benches of this Court in Cr. Misc. 11688 of 2018 and 36743 of 2017. Learned counsel next submits that allegation against the petitioner is not specific and the same is general and omnibus in nature and other co-accused persons have been granted anticipatory and regular bail by different co-ordinate Benches of this Court in Cr. Misc. Nos. 42494 of 2017, 50661 of 2017, 59044 of 2017, 35168 of 2017 and 36418 of 2017 respectively. Petitioner is in custody since 28.6.2020 and charge sheet has already been submitted in the matter.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that other co-accused persons have been granted bail by co-ordinate Benches of this Court including Sudama Yadav and his wife, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge 1st cum Additional Chief Judicial Magistrate, Bikramganj (Rohtas) in connection with Nasriganj P.S. Case No. 67 of 2017 subject to the following conditions:-



(i) That both the bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(ii) That the petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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