

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14941 of 2022

Arising Out of PS. Case No.-858 Year-2021 Thana- BARACHATTI District- Gaya

Umesh Paswan, Son of Late Kailash Paswan, Resident of Village- Sonbarsa,
P.S.- Barachatti, Dist- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barachatti P.S. Case No. 858 of 2021, registered for the alleged offences under Sections 384, 386 and 387 of the Indian Penal Code.

As per the prosecution case, the petitioner was apprehended while facilitating the passage of vehicles from toll both of integrated check post without making payment giving threat on life to the employees of the toll booth. Further for toll free passage, the petitioner has been taking money from the



drivers.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Neither the employee of the toll booth nor any of the truck drivers have made any complaint regarding extortion by the petitioner. There is no recovery of any heavy amount from this petitioner which falsifies the prosecution case about the extortion being made by this petitioner. The petitioner resides near the toll booth and due to an altercation with the informant, he has been falsely implicated in the present case as well as in another case. The charge sheet has been submitted in this case and the petitioner is in custody since 17.12.2021.

Learned APP opposes the prayer for bail submitting that the petitioner has been granted privilege of anticipatory bail in previous case on similar nature and he misused that privilege.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya, in



connection with Barachatti P.S. Case No. 858 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Mahendra Paswan, who is the full brother of the petitioner and the deponent of the present bail petition.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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