

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18659 of 2022**

Arising Out of PS. Case No.-57 Year-2019 Thana- CHANPATIA District- West Champaran

Rajesh Patel Son Of Kishundev Patel @ Kishun Dev Patel R/O Village-
Lakhaura, P.S.- Chanpatia, District- West Champaran At Bettiah

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2022 Heard Mr. Shashank Shekhar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

The case arises out of Chanpatia P.S. Case No. 57 of
2019 under sections 341, 323, 307, 324, 387, 379, 504, 147, 149
and 506 of the Indian Penal Code.

The allegation in the FIR is that one Dhurendra Patel
used to ask extortion amount from the informant. On the fateful
day, he stopped the informant's brother Shahjad and it is alleged
that he threatened him that if he fails to pay extortion amount of
Rs.5000/-, he will be killed. When the informant showed
inability to pay the amount, the allegation is that Dhurendra
Patel gave knife blow to the informant whereafter Heera Patel
snatched Rs. 10,000/- from him. The petitioner was part of the



10-12 accused persons who was present along with Heera Patel and Dhurendra Patel.

Learned counsel for the petitioner submits that although there is allegation of him being part of the mob, no role been attributed to him and though there has been delay in coming into judicial custody, the case being of 2019, he has suffered by being in jail since 29.1.2022 (as stated in para-10 of the bail application). He further submits that he does not have any criminal antecedent.

Taking into account the fact that no role has been attributed to him, he is in custody since 29.1.2022, charge-sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him the privilege of bail. However if it is found that he do have criminal antecedent, this order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Chanpatia P.S. Case No. 57 of 2019 subject to the following conditions:

(i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

This Court would like to put on record its word of appreciation for the assistance rendered by Mr. Shashank Shekhar, the learned counsel appearing on behalf of the petitioner.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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