

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22122 of 2022

Arising Out of PS. Case No.-38 Year-2016 Thana- CHHAURADANO District- East
Champaran

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RAM BHAROSH DAS @ BABA @ MAHARAJ JEE Son of late Kamal Ray
@ Kakal Rai, Chela of Mahanth Awadh Bihari Das Resident of Village -
Bhitgharwa, P.S.- Patahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one
month.

Petitioner seeks regular bail in Chhauradano P.S Case
No. 38 of 2016 registered for the offences punishable under Sections
353, 307, 120B and other allied sections of the Indian Penal Code
and section 27 of the Arms Act.

Allegedly the petitioner and five other miscreants gathered
at the alleged place with an intention to make extortion demand from
the businessmen of the market concerned and then the police party
reached at the said place acting on a tip off and thereafter the said
accused persons on seeing the police party opened firearms and
thereafter started fleeing but one co-accused namely, Kamlesh Kumar
Sah was apprehended at the spot who revealed that all the accused



persons including the petitioner had assembled at the alleged place for the purpose of extortion from the local businessmen and the police claimed to have identified this petitioner at the alleged place of occurrence in the light of torch.

The main submissions advanced by the learned counsel Sri Madhurendra Kumar appearing for the petitioner are that the petitioner is a monk and has been languishing in jail since 07.11.2019 and against him there is no specific allegation and he was not arrested at the spot and the FIR goes to show that no property or money was delivered in following with the alleged extortion demand and there is no specific allegation against the petitioner.

Sri Sanjay Kumar, learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the case diary of this case. Though against the petitioner there is serious allegation and he remained involved in several cases of the serious offences punishable under Indian Penal Code and Arms Act but considering the petitioner's custody period and also the fact that in the alleged occurrence no one sustained firearm injury and the petitioner was not apprehended at the spot and most of the witnesses on which the prosecution is relying are official witnesses, the interest of justice demands a lenient approach towards the petitioner's prayer but in view of the past criminal history of the petitioner, it will be proper to keep the petitioner's conduct under watch for at least a



period of one year.

Accordingly, **petitioner is directed to be released on provisional bail for a period of one year** on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate. Raxaul, East Champaran, Motihari in Chhauradano P.S Case No. 38 of 2016 on condition that the petitioner shall make his attendance in the police station concerned where he presently resides every fortnight and the police station concerned shall send his attendance report to the trial court. If any other criminal activity of the petitioner is found after passing this order or the petitioner does not comply with the said direction then police station concerned shall inform the court concerned about the conduct of the petitioner the court below shall take serious action against him by cancelling his bail bond. If petitioner is not found to be involved in any other criminal activity and does not adversely affect the prosecution during the period of provisional bail, then the court below will confirm the provisional bail on the same bond and surety taken under this order.

(Shailendra Singh, J)

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