

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22121 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- BUNİYAD GANJ District- Gaya

Deepak Kumar @ Jhoha S/o Raj Kumar Gupta R/o Mohalla- Manpur, Kurmi
Tola, P.S.- Muffasil, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Buniyadganj P.S. case no. 287 of 2021 registered for the
offences punishable under Sections 386, 307, 34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per allegations, three-four persons having their
faces covered came at the work site of the informant and
forcibly stopped the work and assaulted the person who were
working at the site and after some time the informant's brother
received a threatening call on his mobile phone extortion



making demand of Rs. 10,00,000/-.

The main submissions advanced by learned counsel for the petitioner are that as per allegations made in the FIR the accused persons covered their faces when they came at the work site of the informant so the identification of the accused persons by the informant through CCTV footage as mentioned in the order of court below is completely unbelievable, and the petitioner resides in a colony nearby of the informant's residence. Admittedly to fulfill the demand of extortion any money was not paid. Further submission is that as per prosecution's allegation the accused persons opened fire-arms at the place of occurrence but any used cartridge was not recovered from the alleged place which falsifies the allegation of the FIR. Further submission is that the petitioner has been languishing in jail since 25.12.2021 and against him there is criminal antecedent of one case only lodged under Section 379 IPC.

Learned APP has opposed the prayer for bail.

Having considered the above submissions and the custody period of petitioner and taking into account the facts that no one has sustained injury in the alleged firing and no money was paid to fulfill the extortion demand and petitioner



has taken the plea that he is residing in a nearby colony of the informant's residence and between him and the informant there is a monetary dispute, in my view a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Buniyadganj P.S. case No. 287 of 2021.

(Shailendra Singh, J)

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