

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25088 of 2022**

Arising Out of PS. Case No.-273 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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CHANDAN CHAURASIYA Son of Late Jagdish Chaurasiya Resident of
Village - Dhekahan bazar, P.S.- Motihari Muffasil, Distt.- East Champaran.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 25984 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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CHUMAN PRASAD S/o Late Ramashish Prasad R/o village- Dhekaha
Fakira Tola, P.S.- Muffasil, District- East Champaran.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 25088 of 2022)

For the Petitioner/s : Mr.Raj Kumar Sinha

For the Opposite Party/s : Mr.Ajay Kumar Jha

(In CRIMINAL MISCELLANEOUS No. 25984 of 2022)

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Md. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Muffasil
P.S. Case No. 273/2021 registered for the offences punishable
under Sections 384, 387, 120(B), 506 of the Indian Penal Code.

As per prosecution case, on 27.05.2021 a call came on



the mobile of the informant and demanding Rs. 5 Lacs as ransom and the informant was also threatened to be murdered. The person who called on his mobile named himself as Rahul Sahani. It is further alleged that on 18.04.2021 some persons had come at 1.30 in the night and had put his tractor on fire and fled away.

Learned counsel appearing for the petitioner Chandan Chaurasiya submits that petitioner is innocent and has falsely been implicated in this case due to dirty village politics. The name of petitioner has been sprang up in this case on the basis of confessional statement of co-accused, Oversair Sahani. He further submits that the said mobile number by which ransom was called does not belong to the petitioner. The said mobile in question belongs to the co-accused, Oversiar Sahani and the same was recovered from him as mentioned in para 23 of the case diary. The petitioner is languishing in custody since 31.01.2022 and bears criminal antecedent of three cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

Learned counsel appearing for the petitioner Chuman Prasad submits that petitioner is innocent and has falsely been implicated in this case. The petitioner has no direct involvement in this case, which is creation of the police showing him a member of a gang. The name of petitioner has been sprang up in this case on



the basis of confessional statement of co-accused, Oversiar Sahani as mentioned in the impugned order. He further submits that the said mobile number by which ransom was called does not belong to the petitioner. The said mobile in question belongs to the co-accused, Oversiar Sahani and the same was recovered from him. The petitioner is languishing in custody since 31.01.2022 and bears criminal antecedent of 06 cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both counsels, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil P.S. Case No. 273/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit



in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioners are found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel their bail bond.

(v) Petitioners shall furnish mobile number at the time of furnishing bail bonds and the said mobile number shall continue in operating condition till disposal of the case and they shall get their presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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