

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25732 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- KHODAWANDPUR District- Begusarai

RAM SHARAN MAHTO Son of Late Sita Ram Mahto Resident of Village -
Chhoti Jana , P.s.- Khodawandpur Chharurahi O.P., Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29583 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- KHODAWANDPUR District- Begusarai

RAMAN KUMAR @ BITTU SON OF RAM SHARAN MAHTO R/O
VILLAGE- CHHOTI JANA, P.S.- KHODAWANDPUR CHHAURAH I O.P.,
DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25732 of 2022)

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Raj Kishore Singh

(In CRIMINAL MISCELLANEOUS No. 29583 of 2022)

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Md. Ataur Rahman



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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 24-11-2022 The present petition is taken up on mentioning on account of examination of B.A. Part 2 of co-accused petitioner Ram Sharan Mahto, who is required to fill up the form and appear in the said examination, which is scheduled to commence on 12.12.2022.

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

The petitioners seek bail in connection with Khodawandpur P.S. Case No. 44 of 2022, registered for the offences punishable under Sections 341, 342, 385, 386, 504 506 and 34 of the Indian Penal Code and 67(A) of I.T. Act.

The prosecution case as emerging from the FIR is that one Raushan Kumar and accused-petitioners after coming on bail started exerting pressure on the informant to withdraw the criminal case against them, failing which he would be killed. They also threatened the informant to transfer his property in their favour, failing which any of his family members may be killed. For fear of life, Rs. 50



thousand was also paid to them, but thereafter on fake Facebook and Whatsapp ID, photo of his daughter was uploaded and dirty messages were sent and it was threatened that if he wants safety of his daughter, he would have to pay Rs. 2 lakh and Raushan Kumar told him that he has incurred Rs. 2 lakh on bail and the same amount has to be paid by him otherwise he would be killed. He further alleged that on payment of Rs. 1.50 Lakh to Raushan Kumar, his son Sobha Kumar was released by him from his confinement.

The learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that main allegation is against Roushan Kumar. He also submits that allegation against the petitioners are general and omnibus in nature. He also submits that co-accused petitioners have two criminal antecedents but they are on bail in the aforesaid criminal cases lodged against them. They are languishing in jail since 03.03.2022.

It is also stated in paragraph no. 2 of the petition



that the petitioners have never moved earlier before this court for grant of regular bail or anticipatory bail.

It has further been stated in paragraph no. 3 of the petition that petitioners, namely, Ram Sharan Mahto in Cr. Misc. No. 25732 of 2022 and Raman Kumar @ Bittu in Cr. Misc. No. 29583 of 2022 have earlier been made accused in one (1) and two (2) other cases, respectively.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Sub Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur P.S. Case No. 44 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.



The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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