

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40663 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- BARGAINIA District- Sitamarhi

Amit Patel, S/o Bhagwan Singh @ Shree Bhagwan Raut, Resident of Village-
Nandwara, P.S.- Bairgania, District- Sitamarhi (Wrongly mention Village-
Nandgaon in F.I.R.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-06-2022 Learned counsel for the petitioner is permitted to
make necessary correction in the prayer portion of the bail
application.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Dinesh Jha learned counsel appearing on
behalf of the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection
with Bairgania P.S. Case No. 14 of 2020 for the offences
punishable under Sections 384, 386, 458, 427, 504/34 of the
Indian Penal Code.

As per prosecution case, it is alleged that on



19.01.2020 two persons came on a motorcycle and one of them told his name as Santosh Rai and said that he is the partner of Mukhiya Ganesh Yadav and thereafter he asked him to talk with Mukhiya Ganesh Yadav through his mobile and an extortion of Rs. 5,00,000/- (Five lacs) was made. It is further alleged that on the same day, in the mid night, said Santosh Kumar along with this petitioner and other 7-8 persons came to the house of the informant and due to fear he hidden himself. It is further alleged that accused persons broken the glass of his vehicles and took away cash of Rs. 20,000/- from his locker.

At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is no specific allegation of any overt act against this petitioner. So far this petitioner is concerned, he is a Civil Engineer and is working with another Company. It is submitted that there is no allegation of any extortion against this petitioner, apart from the fact that later on the informant himself filed a petition before the court below wherein he has categorically stated that due to misconception the name of the petitioner has been implicated in this case



though he is not even acquainted with the present petitioner and he has denied the complicity of the petitioner in the present case. It is lastly submitted that the petitioner has no concern with the affairs of the informant and other co-accused persons and he is ready to give undertaking that he will co-operate in the investigation.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against this petitioner that he along with other co-accused persons made extortion.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there are general and omnibus allegation against this petitioner and especially the fact that subsequent to the lodging of this F.I.R. the informant himself filed a petition along with affidavit denying the complicity of this petitioner in the present case, let the petitioner named above, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 14 of 2020 subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors shall be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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