

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32822 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- UPHARA District- Aurangabad

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AMBIKA RAM @ AMBIKA SINGH Son of Megha Ram Resident of Village
- Salempur, P.S.- Uphara, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant
through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Uphara P.S. Case No. 32/2021 for the offences under
Sections 385, 386, 504 and 506/34 of the Indian Penal Code.

As per the allegation in the FIR, the informant in his
statement has accused this petitioner of demanding Rs. Two
lakhs per year as extortion money and with further threatening
that failure to do so will lead to dire consequences. It has further
been alleged by the informant that earlier also for the same
demand, he was made accused in connection with Uphar P.S.
Case 29 of 2019. Accordingly, the FIR was lodged and the



petitioner is in custody since 28.06.2021 i.e. from the date of occurrence.

Learned counsel for the petitioner submits that only because his nephew, namely, Chandan Paswan lodged a case under SC/ST Case No. 16/2019 against informant, as a counter blast, this case has been registered against the petitioner as also against Chandan Paswan. It has further been submitted that petitioner has a deaf and dumb wife and minor children to look after and he being the bread earner of his family is in jail, they are on the verge of starvation.

Learned counsel for the Informant, on the other hand, submits that his family always remain in fear of the petitioner and the other co-accused and once they come out from jail, will be fearful for them.

Considering the submissions made by the concerned counsels, in the considered opinion of this Court, the petitioner is being in jail since 28.06.2021, charge sheet stands submitted and he being the only bread earner and have minor children and deaf and dumb wife to look after and ultimately has to face the trial, this Court is inclined to grant him the privilege of bail with certain conditions in view of the fact that he has criminal antecedent.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Uphara P.S. Case No. 32 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his presence.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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