

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38193 of 2022

Arising Out of PS. Case No.-3 Year-2020 Thana- BAIRIYA District- West Champaran

Om Prakash Kushwaha, S/O Late Pramod Kushwaha, Resident of Village-
Baluwa Rampurwa, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-09-2022 Heard learned counsel for the petitioner and the learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Bairiya P.S. Case No.03 of 2020 instituted under Sections 384, 386,
506 of the Indian Penal Code.

As per the prosecution story, one Vijay Kumar @ Amit
Raj alleged that on 31.12.2019 at about 04:00 he received a
telephone call on his mobile demanding ‘Rangadari’. Further, on the
phone, he has also told that earlier someone had visited him to collect
the ‘Rangadari’ and on refusal he fired upon him but he was saved and
the said person was sent to jail. Again a demand was made for rupees
five lacs for releasing of said person and also threatened.
Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he was in



custody and as such there was no question of demand of extortion from anyone much less the petitioner. It is his further submission that co-accused Raj Kumar Sah and Jai Prakash Singh have since been granted bail by co-ordinate Benches of this Court vide Cr. Misc. No.37255 of 2020 and Cr. Misc. No.33062 of 2021 respectively.

Considering the fact that the petitioner has been remanded in this case on 13.02.2020 (as stated in para-8 of the bail application), charge-sheet stands submitted and similar situated co-accused have been granted bail, this Court is inclined to grant him bail after framing of the charges and with strict 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/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bairiya P.S. Case No.03 of 2020 to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Bettiah, West Champaran, subject to 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave his/her district (West



Champaran) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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