

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37931 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- KHUDWA District- Aurangabad

RAJU SINGH @ RAJESH SINGH Son of Ramraj Singh R/O Village -
Shinghara, P.S.- Koch, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-09-2022 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 petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khudwan P.S. Case No. 31 of 2021, G.R. No. 458/2021
registered for the offences punishable under Sections 379,
384/34 of the Indian Penal Code.

As per prosecution case, informant is the owner of
petrol pump in Khudwan Bazar, in the name of M/s Jaivind
Kissan Sewa Kendra. On 28.05.2021 at about 09:30 PM six
persons on two motorcycles came concealing their faces with
helmet and wearing raincoat. When the petrol pump staff,
Navneet Kumar went to dispense petrol then the miscreants
gave a parcha of Bhartiya Communist Party (Maoist), Magadh



Zonal Committee and said to explain his owner that if he wants to run petrol pump, he will have to give ransom to the group and threatened to face dire consequences on non-fulfillment of ransom money. Thereafter, miscreants snatched mobile from Navneet Kumar and threatened not to inform the police. Thereafter the miscreants fled away by making fire in air.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and during the course of investigation his name has been surfaced in this case, as mentioned in the impugned order. He further submits that in the whole investigation no substantive material has been found against the petitioner. Learned counsel further submits that petitioner is in custody since 26.06.2021 and bears criminal antecedent of five cases. He further submits that no TIP has been conducted. So far as allegation of demand of ransom from owner of petrol pump is concerned, the same is general and omnibus in nature. He further submits that FIR has been lodged under Sections 379, 384/34 of the IPC but the charge sheet has been submitted under Sections 379, 384 of the IPC, 27 of the Arms Act and 17 of C.L.A. Act against all accused persons including the petitioner. No incriminating article has been recovered from physical possession or house of the petitioner.



Petitioner has been made accused in this case on account of previous enmity and village politics. Learned counsel specifically submits that on account of previous criminal antecedent, petitioner has been falsely implicated in the present case. There is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence.

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

Considering the facts and circumstances of the case, period of custody which is more than one year, nature of allegation, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Daudnagar, Aurangabad in connection with Khudwan P.S. Case No. 31 of 2021, G.R. No. 458 of 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) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions as enumerated above, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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