

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39409 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- BASOPATTI District- Madhubani

MD. ISHA S/O Md. Muslim Resident of Village- Dubhi Bazar, P.S.-
Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with Basopatti P.S.
Case No. 07 of 2022 registered for the offences punishable
under sections 189 and 353/34 of the Indian Penal Code.

As per the allegation, the informant in his fardebayan
has alleged that while he was going to Majhaura village he
seized a Mahindra Mini Truck which was carrying some
cosmetic goods, which was protested by 20-25 unknown
persons and they tried to stop the informant from seizing the
alleged vehicle. It is further alleged that after making the

seizure, a threatening phone call was received on the personal mobile of Anti-crime N.C.O. chief Jitendra Kumar Sinha and after some time he received another phone call threatening him by saying “I am Isha calling, you have seized my articles, I will see you” and after the phone calls, N.C.O Jitendra Kumar Sinha is suffering from mental agony and he is apprehending danger to his life and he suspects that he would be falsely implicated in false cases.

The main submissions advanced by learned counsel Shri Vijay Kumar appearing for the petitioner are that the petitioner has been falsely implicated in this case with the connivance of local police and the alleged offences of sections 189 and 353/34 of Indian Penal Code are not made out against the petitioner as the petitioner did not make any phone call to the Anti-crime N.C.O. Jitendra Kumar Sinha for the purpose of threatening him, in fact, the officials of S.S.B cooked a false and imaginary story to cover up their illegal works and the petitioner has criminal antecedent of one case lodged under section 7 of the Essential Commodities Act as well as under section 414 of the Indian Penal Code, in which the petitioner is on bail.

Learned APP appearing for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of this case as well as considering the facts that the investigation has been completed against the petitioner and his case is at initial stage, he has been languishing in jail since 31.05.2022 and the alleged offences mentioned in the FIR are triable by First Class Magistrate, in the opinion of this Court the petitioner deserves to a lenient approach of this Court, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M. Madhubani/In-charge Successor Court in Basopatti P.S. Case No. 07 of 2022.

(Shailendra Singh, J.)

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