

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41166 of 2022

Arising Out of PS. Case No.-87 Year-2017 Thana- CHAUSA District- Madhepura

Vikki Singh Son Of Maharana Singh @ Mahuran Singh Resident of Village -
Khoparia, Ward No. 11, P.S. Chausa, Dist - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2022 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
Chausa P.S. Case No. 87 of 2017 registered for the offences
punishable under sections 147, 148, 341, 323, 384, 387, 504,
506 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution, the informant had
purchased a land and cultivated Khesari crops on the said land.
When he went to the said land to reap off the cultivated crops, in
the meantime, this petitioner along with ten other co-accused
persons armed with Rifle arrived and demanded an extortion of

Five Lakhs and also threatened to kill him on non-fulfillment of the said extortion demand.

The main submissions advanced by learned counsel Shri Alok Kumar Singh appearing for the petitioner are that altogether eleven accused persons including the petitioner are alleged to have committed the alleged occurrence of making demand of extortion from the informant but the said allegation is not specific against this petitioner, the petitioner has no concern with Mukko Singh with whom the informant has dispute and the informant purchased the land in question from Pramod Rai @ Pramod Singh in which the petitioner had no role. Further submission is that the petitioner has been languishing in jail in this case since 18.12.2021 and several similarly situated co-accused persons have been granted bail by the court below and one co-accused namely, Kulo Singh has been granted bail by this Court vide order passed in Cr. Misc. No. 60930 of 2019.

Shri Dilip Kumar No. 1, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and considering the facts that in the FIR any specific role or overtact of the petitioner in making alleged extortion demand or threatening the

informant has not been revealed and altogether eleven persons are alleged to have committed the alleged occurrence and the petitioner has taken the plea that the bone of the main dispute is between informant and the co-accused Mukko Singh with whom the petitioner has no concern and also considering the petitioner's custody period and the stage of his case, 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 Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura in Chausa P.S. Case No. 87 of 2017 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the

petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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