

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43144 of 2022

Arising Out of PS. Case No.-233 Year-2016 Thana- CHAUSA District- Madhepura

Vikki Singh @ Vikash Kumar S/O- Maharana Singh @ Mahuran Singh
Resident Of Village - Khopariya, Laualagan Purvi, Ward No. 11, P.S.-
Chousa, District - 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. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 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 the
learned APP for the State.

Petitioner seeks regular bail in connection with
Chausa P.S. Case No.233 of 2016 registered for the offences
punishable under Sections 384, 386 and 506 of the Indian Penal
Code.

As per the prosecution, the petitioner and 12 co-
accused persons demanded Rs. 1 lakh as an extortion from the
informant and as the said demand was not fulfilled by
informant, the petitioner and co-accused persons started



threatening the informant.

The main submissions advanced by the learned counsel Mr. Anuj Kumar Shrivastava appearing for the petitioner are that against the petitioner there is criminal antecedent of six cases but he has got bail in five cases and in the FIR there is no specific allegation against the petitioner and against all the accused persons named in FIR there is general and omnibus allegation and there is no allegation about the delivery of money which was allegedly demanded by the accused persons from the informant, hence the alleged offences mentioned in the FIR are not made out in this case.

Learned APP Mr. Anuj Kumar Shrivastava appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. Altogether thirteen persons including the petitioner were alleged to have committed the alleged occurrence of extortion demand, there is no specific allegation against the petitioner and he is stated to be a member of the group of accused persons and as per the FIR the money so demanded was not delivered by the informant and the petitioner has been languishing in jail since 18.12.2021, though he has criminal antecedent of six cases but as per the statement made in his petition he has got bail in five



cases. Considering these facts as well as petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, 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 concerned Court in connection with Chausa P.S. Case No.233 of 2016 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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