

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40394 of 2022**

Arising Out of PS. Case No.-571 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Mithun Yadav @ Langra @ Langra Yadav Son Of Dasrath Yadav Resident of
Village - Mayaganj, P.S.- Barari, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 17-10-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kotwali (Barari) P.S. Case No. 571 of 2021,
registered for the offences punishable under Sections 307, 341
and 387/34 of the Indian Penal Code and Section 27 of the Arm
Act.

The prosecution case is based on a written report



alleging therein that on 27.08.2021 at about 06:00 pm, the petitioner along with other two persons went to the construction site, where the informant was present and demanded 50 sacks of cement and 10 quintals of rod in extortion, failing which he was threatened with dire consequences. When the informant shows his inability, whereupon this petitioner wiped out his pistol and made firing, however, the same did not hit the informant.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it would be evident that neither the extortion money or goods have been given to the petitioner nor the informant or anybody sustained any injury. He further submits that only on accounts of his past criminal antecedent and some dispute with regard to the construction, his name has been implicated in this case, though the petitioner has no concern with the alleged construction site. He last submits that in fact the petitioner has been remanded in this case from Kotwali Barari P.S. Case No. 846 of 2021 on 10.02.2022 and since then he is in custody.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that the petitioner appears to be a habitual offender found involved in four other criminal cases.



Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that neither the extortion money/goods have been transfer to anyone nor the informant or anyone sustained any injury, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Mr. P. Chandra, learned Judicial Magistrate- 1st Class, Bhagalpur, in connection with Kotwali (Barari) P.S. Case No. 571 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner and on being released from the custody the petitioner will mark his attendance on every first week of the month before the concern local police station at least for six months, with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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