

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50126 of 2022

Arising Out of PS. Case No.-217 Year-2022 Thana- RAFIGANJ District- Aurangabad

Bhim Paswan @ Ganga Jee @ Amarjit @ Gagan Jee S/o Late Madho paswan
R/o Village Kurwan, P.S. Jamhor District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Rafiganj PS case no. 217 of 2022 instituted for the offences
punishable under Sections 385, 386 of Indian Penal Code.

The allegation is regarding unknown person
having arrived at the construction site of the informant on the
alleged date and time of occurrence, whereafter, he had handed
over an envelope to the staff working there, which was then
handed over to the informant and upon opening the same, it
transpired that levy had been demanded from the informant. It is
further alleged that on 18.06.2022 at about 7.42 pm, the
informant had received a phone call and the caller had
introduced himself as Amarjeet i.e. the petitioner herein, who



had threatened to stop the work at the construction site, in case the informant failed to pay levy.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 14.07.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in three other cases but he is on bail in all the said cases. Lastly, it is submitted that the admitted fact is that no levy was paid by the informant.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that though the petitioner has been alleged to have called the informant on his mobile phone and introduced himself as Amarjeet but then till date, the identity of the caller has not been established so as to implicate the petitioner, thus benefit of doubt can be granted to the petitioner for the purposes of bail, however, since the petitioner is not having a good antecedent inasmuch as he is an accused in three other criminal cases, though on bail, I deem it fit and



appropriate to direct for release of the petitioner on bail, however, subject to certain conditions.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Aurangabad in connection with Rafiganj PS case no. 217 of 2022.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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