

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66289 of 2021**

Arising Out of PS. Case No.-266 Year-2021 Thana- RIGA District- Sitamarhi

Sujit Kumar, Son of Ramhulas Rai, Resident of Village- Poshua, P.S.- Riga,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 20-06-2022 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. Pushpendra Kumar Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Riga P.S. Case No. 266 of 2021 for the offences punishable under Sections 341, 323, 379, 386, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that while the protection work was going on, at Posua Lakhandei River, all the accused persons including the petitioner came in a drunken condition having armed with country made pistol and started assaulting the labourers by fists and slaps and thereafter all the accused persons have demanded ransom of Rs.10,00,000/- (ten



lakhs).

It is submitted by the learned counsel appearing on behalf of the petitioner that there is general and omnibus allegation against all the accused persons including this petitioner and moreover no payment in respect of rangdari has been made to any one. Further the informant is not an eye witness to the alleged occurrence, apart from the fact that no injury has been received to any of the labourers. It is further submitted that the informant even did not disclose the name of the labourers, who disclosed the name of the petitioner and others. It is next submitted that since the informant, who was said to be working as contractor, was using sub-standard materials in protection work of Posua Lakhandei River and as the same was being opposed by the villagers, the name of the petitioner has been implicated in this case with an ulterior motive. It is next submitted that even as per the averments made in the F.I.R., no case under Sections 379 and 386 of the Indian Penal Code is made out. It is lastly submitted that though the petitioner has been made accused in three cases, which have been mentioned in para 3 of this application, but in all these cases the petitioner has been granted bail. The petitioner is in custody since 30.07.2021.



On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that there is specific allegation against this petitioner that he has demanded ransom.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is general and omnibus allegation against all the accused persons and further from the averments made in the F.I.R. it is evident that no money has been given to anyone due to the threat or extortion, which is alleged against the accused persons, apart from the fact that the petitioner is in custody since 30.07.2021, 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 learned Additional Chief Judicial Magistrate-VI, Sitamarhi in connection with Riga P.S. Case No. 266 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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