

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60923 of 2022

Arising Out of PS. Case No.-262 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. KRISHNANDAN PRASAD S/o Late Deonandan Singh R/o Village-Kolawan, P.S.- Harnaut, Distt- Nalanda, Bihar.
 2. Mithilesh Prasad @ Mithilesh Kumar S/o Late Lala Singh R/o Village-Kolawan, P.S.- Harnaut, Distt- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilip Kumar S/o Chandra Shekhar Prasad Resident of P.S- Harnaut, Distt-Nalanda at Biharsharif.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State as well as learned counsel for the complainant.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 387, 395, 427 and 457 of the Indian Penal Code.

The case relates to demand of ransom from the complainant by the petitioners and on account of non-fulfillment of the same, the petitioners are alleged to have abused and assaulted the complainant and taken away cash and medicines from the shop of the complainant.



Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that no such occurrence as alleged in the complaint ever took place. He further contends that as a matter of fact, the petitioners were allotted a big shop from the BISCOMAUN and they allowed the complainant and others to be in occupation of the portion of the shops for their livelihood. He further submits that taking note of dilapidated condition of the shop in question, the Managing Director, BISCOMAUN has directed the allottee to vacate the shops for their demolition to be carried out for the sake of new construction and when the petitioners pursuant to the directions of the M.D. BISCOMAUN directed the occupants, who are complainant and others, they have refused to vacate the portion of the allotted shops and falsely lodged the complaint by making an ornamental story of ransom. He further submits that petitioners were the bonafide allottee of the shop in question and they have not abused and assaulted the complainant in any manner nor they have demanded any amount of ransom. Hence, the petitioners may be granted the privilege of anticipatory bail.



Learned A.P.P. for the State as well as learned counsel for the complainant has opposed the prayer for bail of the petitioners and submits that there is direct allegation of demand of ransom from the complainant against the petitioners and on non-fulfillment of the same, complainant is subjected to assault and torture.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Complaint Case No. 262C of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

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



(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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