

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14209 of 2023**

Arising Out of PS. Case No.-153 Year-2022 Thana- CHHAURADANO District- East
Champaran

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Mankesh Pandey Son of Hrideshwar Pandey R/v- Karaiya (West), P.S.-
Mahuawa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
22.05.2022 in connection with Mahuawa P.S. Case No. 153 of
2022, F.I.R. dated 21.05.2022 for the offences punishable under
Sections 386, 387, 307/34 of the Indian Penal Code and Section
27 of the Arms Act.

According to prosecution case, this petitioner along
with two other accused persons have demanded Rs. 10,00,000/-
as extortion money from the informant and also threatened to



kill all the family members of the informant if he fails to do so. It is further alleged that this petitioner fired from the pistol upon the father of the informant but somehow the father of the informant manage to escape.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has never demanded any extortion from the family member of the informant. He further submits that no such occurrence has taken place and the alleged mobile number as mentioned in the F.I.R. doesn't belong to the petitioner. He further submits that it appears from the F.I.R. that the petitioner happens to be the liquor mafia of the area but no case is instituted under Bihar Excise Act against the petitioner and no independent witness has come forward to support the case of the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other



than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the four cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned 16th Additional Sessions Judge, Motihari, East Champaran in connection with Mahuawa P.S. Case No. 153 of 2022, subject to 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 and shall remain physically present as directed by the court 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. And further condition that 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 cancellation of bail bond of the petitioner. 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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