

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16251 of 2023

Arising Out of PS. Case No.-244 Year-2020 Thana- BACHHWARA District- Begusarai

DHATURI KUMAR @RAHUL KUMAR SON OF DAHOUR MAHTO
RESIDENT OF VILLAGE- CHAMTA CHAKKI, PS- BACHHWARA,
DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : Ms.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-05-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Bachhwara P. S. Case No. 244 of 2020, registered for the offences punishable under Sections 384, 386 and 34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act, 1959.

The prosecution case as emerges from the FIR is that when passengers were going for holy both in river Ganga, the petitioner and his associates demanded extortion money from them, using illegal arms.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He also submits that the petitioner was not apprehended on the spot and his name transpires in the confessional statement of one of the co-accused Shambhu Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C. He further submits that Test Identification Parade has not yet been conducted.

He further submits that the petitioner has been languishing in jail since 01.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail *vide* Cr. Misc. No. 63293 of 2022.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Begusarai, in connection with Bachhwara P. S. Case No. 244 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after



hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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