

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21401 of 2023**

Arising Out of PS. Case No.-598 Year-2022 Thana- NAANPUR District- Sitamarhi

SHYAM KUMAR @ SHYAM KUMAR SAH Son of Late Ram Dayal Sah
Resident of village - Patnuka, P.S.- Nanpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

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

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

3 13-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 20.12.2022 in connection with Nanpur P.S.Case No.598 of 2022, F.I.R. dated 19.12.2022 registered for the offence punishable under Sections 341, 342, 379, 323, 307, 385, 387, 504, 506/34 of IPC.

3. The prosecution case, in short, is that the informant alleged that on 18.12.2022 the informant alongwith his friends was selling the clothes. In the meantime, 9-10 boys came on motorcycle. They took away the informant and his friends on their four wheeler vehicle and forcibly took away at a lonely place and seated them at a closed brick-kiln and



they assaulted the informant and his friends for a long time and took away Rs.2,000/-. Thereafter, they told Ajit to take out country made pistol and shot, then Ajit Kumar put up country made pistol on his head and told to bring one lakh rupees as rangdari, otherwise they will kill and thrown away in the ditches and no clue will be available.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that there is specific allegation of demanding rangdari against co-accused, namely, Ajit Kumar and at best the petitioner alongwith other co-accused persons have accompanied with Ajit Kumar and as per allegation the petitioner alongwith other co-accused persons have carried arms but no arms has been recovered from possession of the petitioner and the petitioner has no concern at all with the other co-accused persons and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.12.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other



than the present one, but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned S.D.J.M., Pupri at Sitamarhi in connection with Nanpur P.S.Case No.598 of 2022,with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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