

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18673 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- PARIHAR District- Sitamarhi

Amit Kumar, aged about 35 years (M), S/O Banti Mahto @ Rajkishor Mahto,
resident of Village- Sirsiya, P.S- Bela, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

Mr. Sanjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Parihar
PS Case No.384 of 2022 dated 30.12.2022, instituted for the
offence punishable under Sections 386 of the Indian Penal
Code.

3. It is alleged in the written report that when the
informant along with Krishna Kumar was returning his house
after selling onion and potato and reached in front of orchard of
Ram Chandra Rai between Sersiya Chowk and Jaddi Chowk,
three accused came on motorcycle and stopped him. Accused
Birendra Kumar Sah is alleged to have threatened the informant
for giving share of his earnings. Petitioner and another accused



is alleged to have assaulted the informant and his companion with fists and slaps. The informant gave them Rs.2800/- and his companion gave them Rs.3000/-. The accused persons also tried to snatch the mobile but on cry they fled away.

4. Learned counsel for the petitioner submits that there was business transaction between the informant and the co-accused, Birendra Kumar Sah and if the accused persons had forcibly demanded the extortion then they could have taken entire sale proceeds from the informant and his companion, but admittedly, the informant has given only Rs.2800/- and his companion has given only Rs.3000/- to Birendra Kumar Sah. It is further submitted that the petitioner was not caught at the spot. It is submitted that there is no allegation of causing any harm to the informant and his associates. Lastly, it is submitted that the petitioner is in custody since 31.12.2022 and four cases are pending against him. Charge-sheet has already been submitted in the case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the J.M. 1st Class, Sitarmarhi, in Parihar PS Case No.384 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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