

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21380 of 2023

Arising Out of PS. Case No.-650 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Suraj Thakur, male, aged about 30 years, son of Late Ajay Thakur, resident of
village- Ashok Nagar, Pokhariya, Ward No. 36, P.S- Town, Distt.- Begusarai.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Town
PS Case No.650 of 2022 dated 22.10.2022, instituted for the
offence punishable under Sections 386, 387/34 of the Indian
Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. The prosecution case, in short, is that one Bhola
Mahto @ Jharkalka demanded rupees five lakh from the
informant as *rangdari* while he was constructing the damaged
boundary of his land, otherwise, his house and boundary will be
demolished. The informant showed his inability in paying the
same. On the same day, in night seven accused persons came
including Bhola Mahto @ Jharkalka variously armed with *lathi*,
danda, pistol etc. and asked for money. The informant again



showed his inability upon which they threatened the informant and snatched gold chain, ring as well as rupees five thousand from the informant's son. On seeing the police vehicle, the accused persons started to run away. The police caught two persons while others fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the case. There is allegation against seven persons in the FIR. The petitioner was caught by the police. Nothing specific has been attributed against the petitioner. Learned counsel further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the persons named in the FIR. It is further submitted that the petitioner is in custody since 23.10.2022 and charge-sheet has been submitted. One criminal case is pending against the petitioner.

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 Judicial Magistrate, 1st Class,



Begusarai, in Town PS Case No.650 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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