

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29521 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- MOUZAHDIPUR District- Bhagalpur

1. RAJA KUMAR @ RAJA s/o ASHOK SAH RESIDENT OF VILLAGE ALIGANJ GANGTI PS BABARGANJ DISTRICT BHAGALPUR
2. Aman Kumar @ Aman @ Golu s/o Karu Sah Resident of village Aliganj Gangti P.S. Babarganj District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with
Mojahidpur (Babarganj) P.S. Case No. 361 of 2022 registered
for the offence under Sections 341, 323, 324, 307, 385, 504,
506/34 of the Indian Penal Code.

3. The accused/petitioners are named in the
F.I.R. and are in custody since 07.11.2022.

4. As per FIR, when informant refused to give
shoes and Sandal to this petitioner, free of cost, out of extortion
being a member of Baba Group, petitioner along with 5 to 7
unknown persons assaulted the informant and other with knife,



causing injuries, having intention to cause their death.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioner implicated falsely with present case, out of negotiation disputes, regarding pricing of shoes, while purchasing from the shop of the informant. It is submitted that allegation of extortion is appearing baseless and without any cogent material. While travelling over the argument, it is submitted that allegation as to cause knife assault is not available against this petitioner, rather same is available against unknown co-accused person. While concluding the argument, it is submitted that these petitioners found involved in 02 more criminal cases, where, they are on bail and moreover, investigation of this case has completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as allegation to cause knife injury is not available against these petitioners, rather same is available against unknown co-accused person coupled with the fact that charge-sheet has already submitted,



where, both petitioners are in custody since 07.11.2023, let both petitioners, above named, are directed to be released on bail in connection with Mojahidpur (Babarganj) P.S. Case No. 361 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, X, Bhagalpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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