

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34437 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- CHHATAPUR District- Supaul

DEEPAK KUMAR MISHRA @ DEEPAK MISHRA S/o- GANESH
MISHRA Village- Bhargama Ps- Bhargama Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34602 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- CHHATAPUR District- Supaul

ASHISH ANAND Son of Kamlesh Kumar Jha Resident of Rajeshwari (O.P.),
south ward no. 09, P.S. - Chhatapur, Distt. - Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34437 of 2023)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 34602 of 2023)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard learned Senior Counsel for the petitioners and

the learned APP for the State.

The petitioners are in judicial custody in connection
with Chhatapur P.S. Case No.128 of 2022 instituted under
Sections 386, 420, 341, 342, 323, 406, 504, 506/34 of the IPC
lodged on 14.04.2022 by the informant Md. Sahabuddin.

As per the FIR, informant gave fardbeyan that one
Deepak Mishra (petitioner) called him on mobile stating that he



will provide him work under 'Nal-Jal' Scheme of the State of Bihar. Accordingly, he met him on 09.04.2022 at Siliguri Bazar. Thereafter, the informant came with the petitioner to Rajeshwari's place and left him in the house of co-accused Ashish Anand. He further alleged that this petitioner Deepak Mishra demanded extortion of Rs. 5,00,000/- and threatened to shoot-him. Accordingly, the informant contacted his people and transferred Rs. 5000/- to the account of co-accused Ashish Anand. Accordingly, the FIR.

Learned Senior Counsel for the petitioners submit that as per the allegation itself the informant came to Bihar to do labour work. As he was not having a staying place and further for fooding and lodging, on his own transferred Rs.5000/- for the said purposes. Later when some dispute arose, false narration of extortion of Rs.5,00,000/- has been made in the FIR.

It is his further submission that a bare perusal of the FIR would show that no sane person can make such demand from a labour who has come to work in 'Nal-Jal' Yojna from Siliguri. In any case without accepting the allegation and/or the outcome of the present petition the petitioner, Deepak Kumar Mishra is ready to pay Rs.10,000/- to the informant, if he does



not intend to pay for the fooding and lodging for which payment was made.

He shall be depositing Rs.10,000/- before the concerned court by Demand Draft of SBI to be released in favour of the informant on the basis of the credentials submitted by him.

Learned APP opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned Senior Counsel as also the fact that while Deepak Kumar Mishra @ Deepak Mishra is in custody since 31.01.2023 (as stated in para-11 of the petition) and Ashish Anand since 03.06.2022 (as stated in para-13 of the petition), this Court is inclined to grant them privilege of bail, subject to payment of Rs.10,000/- by Deepak Mishra to the informant, as undertaken by learned Senior Counsel for the petitioner Deepak Kumar Mishra @ Deepak Mishra.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chhatapur P.S. Case No.128 of 2022 to the satisfaction of learned ACJM,Vth, Supaul, subject to following conditions:

(i) one of the bailor should be the family member of



the petitioners who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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