

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34991 of 2023

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

Bikki Paswan @ B.K. @ Vikki Paswan, S/O Late Sushil Paswan, R/O
Village- Ashok Nagar Pokharia, Jhoparpatti, Ward No.-36, P.S- Nagar, Distt.-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Town P.S. Case No. 650 of 2022 registered for the alleged offences under Sections 386 and 387/34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, co-accused Bhola Mahto demanded extortion money of Rs. 5,00,000/- while the informant was constructing the boundary wall. When the informant refused, the co-accused threatened with dire consequences. In the same night the petitioner and other co-accused persons, who were armed with knife, *danda* and country made *katta*, assembled at the house of the informant and threatening the informant and his son, took away a gold chain and Rs. 5000/- from the son of the informant. On seeing the police party, the miscreants tried to flee away but



co-accused Raja Kumar and Suraj Thakur were apprehended and the miscreants also left behind country made *katta* and two cartridges near the house of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and no recovery has been shown from him. There is only general and omnibus allegation against the petitioner who is said to be a member of unlawful assembly and no specific overt act has been attributed to this petitioner. There is land dispute between the informant and co-accused Bhola Mahto and the petitioner has no concern either with the co-accused or the said land dispute. A number of co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 11308 of 2023, order dated 25.04.2023 passed in Cr. Misc. No. 14099 of 2023, order dated 23.05.2023 passed in Cr. Misc. No. 21380 of 2023 and order dated 18.05.2023 passed in Cr. Misc. No. 23259 of 2023. The petitioner is in custody since 01.02.2023 charge sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the petitioner is accused in a number of cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



general and non-specific nature of allegation against the petitioner and also considering his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/ court concerned in connection with Town P.S. Case No. 650 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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