

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37441 of 2023

Arising Out of PS. Case No.-301 Year-2021 Thana- BIHPUR District- Bhagalpur

Shivnandan Yadav S/O Chandeshwari Yadav R/O Vill. Birbanna, P.S. Bihpur
(Bhawanipur), Dist. Bhagalpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset, learned counsel for the petitioner
submitted that petitioner involved in one more criminal case but
inadvertently, it has been mentioned in para 3 of the bail petition
that petitioner involved in eight cases and, accordingly, same
may be permitted to correct during the course of the day itself.

Request allowed.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction, during the course of the
day itself.

The petitioner seeks bail in connection with Bihpur



(Bhawanipur) P.S. Case No. 301 of 2021 registered for the offence under Sections 420, 467, 468, 471, 384/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 20.03.2023.

The allegation against the petitioner is to raise an extortion demand of Rs. 2 lacs from the informant and further alleged to erect cement pillars on the land of informant alongwith other co-accused persons, forcibly.

Learned counsel appearing on behalf of the petitioner submitted that the present implication is based upon a civil dispute, where agreement to sale dated 26.02.2021 executed between informant and this petitioner and others which was not executed, despite of repeated request. It is submitted that the informant neither executing sale deed nor returning the money as received from petitioner's side in furtherance of said agreement of sale. It is further submitted that similarly situated co-accused, namely, Bhola Yadav has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 21948 of 2023 dated 22.05.2023. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and, moreover,



investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as implication of petitioner appears out of sale agreement, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.03.2023 accordingly, petitioner above named, is directed to be released on bail in connection with Bihpur (Bhawanipur) P.S. Case No. 301/2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Naugachia, District- Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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