

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55415 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- RAMGARHWA District- East
Champaran

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Raju Baitha @ Raju Kumar @ Raju Kumar Rajak Son Of Vishwanath Baitha
Resident Of Village- Murla, P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.
For the Opposite Party/s : Mr. S. N. Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Ajay Kumar Singh, learned counsel for the

petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in
connection with Ramgarhwa P.S. Case No.171 of 2023,
registered for the offences punishable under Section 379 of the
Indian Penal Code.

3. Allegedly, the petitioner and others stealthy
engaged in fishing in the pond of the informant and when the
same was opposed, the petitioner threatened him with dire
consequences and demanded extortion of Rs.10,00,000/- on the
point of pistol.

4. Learned counsel appearing on behalf of the
petitioner submits that from the FIR, it is evident that the



occurrence took place on 22.04.2023, but the FIR has been instituted on 26.04.2023 after a delay of four day but no plausible explanation has been made. He further submits that the alleged pond is situated on a government land and the villagers used the water of the pond for irrigation, however, on account of some dispute when the informant tried to capture the government pond, protest was made by the petitioner and others, which resulted into lodging of the present case. He next submits that so far the allegation of pointing pistol and demand of extortion are concerned, the same is concocted only in order to make the case serious in nature. He next submits that earlier also one similar kind of criminal case has been instituted by the informant in which the petitioner is on bail. He also submits that save and except one another case instituted by the informant there is no other case against the petitioner and he undertakes that he will fully cooperate in the investigation and in the Court proceedings.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that the pond is situated on the government



land, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Ramgarhwa P.S. Case No.171 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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