

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54146 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

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DIMPAL MAHTO @ DURGESH KUMAR S/O VIJAY MAHTO @ VIJAY
KUMAR SINGH R/O VILLAGE- KARARI, PS. ARA (MUFFASIL) O.P.
DHOBHA, DIST. BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

The petitioner is in custody in connection with Ara (Muffasil Dhobha O.P.) P.S. Case No. 215 of 2023 for the offence under sections 384, 386 lodged on 21.05.2023 by the informant, Raju Kumar.

As per the prosecution story, the allegation in the FIR is that the petitioner came to his shop and asked for extortion of Rs. 1 lakh and upon his refusal, was abused, gave a blow on his shoulder by the revolver and further, he was forced to give Rs. 5,000/- to him. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that prima-facie, it seems that the allegation has been exaggerated to implicate him only because he has criminal antecedent and has



remained in custody since 22.05.2023 (as stated in paragraph 5 of the petition).

Learned APP opposes the prayer for bail.

Considering the fact that he has remained in custody since 22.05.2023, FIR lodged and will have to face the trial, this Court is inclined to extend him the privilege of bail but only after framing of charges in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. VII, Bhojpur at Ara, in connection with Ara (Muffasil Dhobha O.P.) P.S. Case No. 215 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

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



attendance;

(iv) the petitioner 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 the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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