

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55075 of 2023

Arising Out of PS. Case No.-510 Year-2023 Thana- KHAJANCHI HAT District- Purnia

1. Raushan Jamuar @ Raushan Kumar Jamuar Son Of Late Raj Kumar Sinha Resident Of Amla Tola, Argara Road, P.S. Madhubani T.O.P., District Purnea.
2. Rahul Kumar Son Of Late Raj Kumar Sinha Resident Of Amla Tola, Argara Road, P.S. Madhubani T.O.P., District Purnea.
3. Ritesh Kumar Sinha Son Of Late Shyam Shankar Prasad Resident Of Amla Tola, Argara Road, P.S. Madhubani T.O.P., District Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Choubey Jawahar, APP
For the Informant :	Mr. Harshwardhan Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr. Brajesh Kumar Singh, learned counsel for the petitioners, Mr. Harshwardhan Sahay, learned counsel appearing on behalf of the informant as well as Mr. Choubey Jawahar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with K. Hat (Madhubani) P.S. Case No. 510 of 2023, F.I.R. dated 22.04.2023 for the offences punishable under Sections 341, 323, 379, 386, 387, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the petitioners have assaulted the informant and his wife and threatened them



that they would capture the house in lieu of Rs. 5 lakh as extortion.

4. Learned counsel for the petitioners submits that petitioner no. 1 and 2 carries two criminal antecedents and petitioner no. 3 has clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that in fact, the father of the petitioner no. 1 and 2, namely, Raj Kumar Sinha had executed an agreement with the informant on 06.04.2022 and the father of the petitioner had paid Rs. 21 lakhs to the informant and thereafter, the petitioner has refused to execute the final sale deed in favour of the father of the petitioner no. 1 and 2, so the present false and fabricated case has been lodged against these petitioners.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioner no. 1 and 2 carries two criminal antecedents other than the present one of similar nature but fairly submits on the basis of paragraph 3 of the bail petition



that the petitioners are acquitted in one case which was pending against them and in one case they are on bail. They further submits that the deed in question i.e. Annexure 2 is a forged document.

6. Considering the aforesaid facts and circumstances and nature of allegation, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Madhubani) P.S. Case No. 510 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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