

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56700 of 2023

Arising Out of PS. Case No.-412 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. MANOJ CHOUDHARY @ MANOJ CHADUARH S/O NAND KISHORE CHOUDHARY R/O- MALLAH TOLI, WARD NO.- 06, MOHANIA, PS- MOHANIA, DIST- KAIMUR (BHABHUA)
2. RAJU KUMAR S/O- JAGGU CHOUDHARY MOHALLA- MALLAH TOLI, WARD NO.- 06 MOHANIA, P.S.- MOHANIA, DIST- KAIMUR(BHABHUA)
3. DHARMBEER MALI S/O- KEDAR MALI R/O- VILLAGE- DARWA, P.S.- MOHANIA, DIST- KAIMUR (BHABHUA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023

Heard the parties.

The petitioners are accused in connection with Mohania P.S. Case No. 412 of 2023 registered for the offences under sections 341, 420, 384, 386 and 34 of the Indian Penal Code lodged on 20.06.2023 by the informant, Raju Kumar.

As per the prosecution story, the allegation is that the Mohania Nagar Panchayat had authorized one Jai Prakash Pandey to collect taxes from the local commercial vehicles plying in the township who in turn had authorized these accused persons to collect the same. However, misusing the limited purpose for which they were authorized, they started collecting



money from the cars which were coming from outside or going outside by force, as this led to traffic jam in the area, the police went there only to find the illegal activities of the accused persons including the petitioner which followed the FIR and arrest.

It is the case of the petitioners that as would manifest from the FIR itself, they were duly authorized and may be due to ignorance, they could not differentiate between the local and the outside vehicle which resulted into their judicial custody since 21.06.2023 (as stated in paragraph 15 of the bail application) though they do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that the said Jai Prakash Pandey himself has narrated that they were misusing the receipt granted to them.

Though, prima facie it is clear that the accused persons including these petitioners misused the receipt given to them and in the process, harassed/illegally took money from the vehicles coming and/or going outside, they have remained in custody since 21.06.2023 and none of them have criminal antecedent, FIR lodged and will be facing the trial, this Court is inclined to extend them privilege of bail.



Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-Sub Divisional Civil Court, Kaimur at Bhabua in connection with Mohania P.S. Case No. 412 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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