

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56025 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- CHERIYA BARIYARPUR District- Begusarai

MD. SONU S/O MOHAMMAD KAISAR R/O WARD NO. 15, KAMLA TOLA, MANJHAUL PANCHYAT-01, P.S- CHERIA-BERIYARPUR(MANJHAUL O.P.), DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-11-2023 Learned counsel for the petitioner is directed to make necessary correction in paragraph 9 of the bail petition in course of the day.

2. Heard learned counsel for the petitioner and the learned A.P.P. for the State.

3. The petitioner seeks bail, who is in custody since 29.7.2022 in connection with Cheria Bariyarpur P.S Case No. 168 of 2022 dated 5.7.2022 registered for the offence under Sections 341, 307, 386, 504, 506 and 34 of the Indian Penal Code.

4. As per the First Information Report, the allegation against the petitioner is that on the direction of co-accused Rajnikant Pravin @ Bauajee, all the FIR named accused along



with the petitioner had demanded extortion of Rs.1,00,000/- from the informant and upon non-fulfillment of the aforesaid demand, they threatened to murder the informant. Further allegation is that the petitioner along with other co-accused shot fire upon the informant from their pistol.

5. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the First Information Report is false and fabricated and petitioner has not committed any offence. From perusal of the First Information Report, it appears that the allegation of taking money and the Motorcycle is against co-accused Md. Inayatullah @ Toni. There is no specific allegation of assault against the petitioner. Learned counsel further submits that the co-accused Md Inaytullah has been granted bail by this Court vide order dated 7.4.2023 passed in Cr. Misc. 56351 of 2022 and other co-accused person namely Rajnikant Pravin @ Bauajee @ Rajnikant Praveen has also been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. 15800 of 2023. The Police after investigation submitted charge sheet. Petitioner is in custody since 29.7.2022.

6. Learned A.P.P. for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and



submits that there is specific allegation against the petitioner that he demanded *rangdari* from the informant and apart from the aforesaid, the petitioner carries two more cases other than the present one which is mentioned in paragraph-3 of the bail petition but in both the cases the petitioner is on bail.

7. Considering the facts and circumstances of the case, the period of custody and other co-accused persons have already been granted bail by this Court as well as co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Class, Manjhaul, Begusarai, in connection with Cheria Bariyapur P.S. Cse No. 168 of 2022 subject to the following conditions:-

(i) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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