

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60395 of 2023

Arising Out of PS. Case No.-158 Year-2021 Thana- JAYNAGAR District- Madhubani

Vijay Kumar Rohita @ Vijay Rohita Son Of Rajendra Rohita Resident Of
Village- Bela, Belhi Baldiha, Ps- Jaynagar, Dist- Madhubani
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Gagan Deo Yadav, Advocate
	:	Mr. Vinod Kumar, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Udeshya Kumar, Advocate
	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party	:	Mr. Sanjay Kumar Sharma, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Jaynagar P.S. Case No. 158 of 2021 dated 06.06.2021, instituted for the offence punishable under Sections 384 and 366 of the Indian Penal Code and 53(C), 47(A) of Bihar Prohibition and Excise Act, 2016.

3. The case of prosecution, in short, is that the informant was running a shop of photostat. In the year 2001, the informant purchased a land in the name of his wife, namely, Meena Jha situated in *Khata* No. 640 (New No. 1411) *Khesra* No. 7625 (New No. 10019). It is alleged that the informant



transferred the said land in the name of his daughter, namely Pinki Jha. In the month of October, 2015, the petitioner along with other co-accused and 5-7 Nepali persons threatened the informant and demanded *Rangdari*. On protest, they abused the informant and snatched Rs. 7,000/- (Seven Thousand) from him. It is further alleged that the petitioner along with the other accused persons threatened him that they will not allow him to construct the house unless he give the money. Further, all the accused persons came armed with weapons at the construction site in drunken condition and locked the construction site.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is submitted that for the same occurrence two complaint cases were filed; first is in relation to the present case and second one is Complaint Case No. 354 of 2016 regarding the same allegation. The first complaint case has been converted into the present case i.e. Jainagar P.S. Case No. 158 of 2021 and the second one is converted into Jainagar P.S. Case No. 268 of 2023 and the complaint case was filed on 21.05.2016. It is further submitted that in the complaint case, the informant mentioned the date of occurrence as 11.05.2016 and he had also sent a letter to the S.P., Madhubani, wherein except 2016, no



date has been mentioned regarding the date of occurrence. It is further submitted that the land mentioned in the F.I.R. belongs to one Ramu Ray and the said Ramu Ray executed the sale deed in favour of the petitioner and another person. It is further submitted that due to the land dispute, the present complaint case/F.I.R. has been lodged against the petitioner. Lastly, it has been submitted that the petitioner has three criminal cases against him, one of which in two cases have been filed by the informant himself and one has been filed by the relative of the petitioner.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Jaynagar P.S. Case No. 158 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani, subject to condition as laid down under Section 438(2) of the Cr.P.C. also 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. 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.

(Khatim Reza, J)

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