

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66023 of 2023**

Arising Out of PS. Case No.-326 Year-2023 Thana- BAISI District- Purnia

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1. KUMOD KUMAR JHA @ KUMOD JHA S/O LATE BINDESHWARI JHA R/O VILLAGE- SUKHEENA, P.S- B. KOTHI, DISTT.- PURNEA.
  2. SUBASH KUMAR SAH @ SUBASH KUMAR S/O KHUSHI LAL SAH R/O VILLAGE- RANI PATRA, P.S- RANIPATRA, DISTT.- PURNEA.
  3. PARMANAND KUMAR ARYA S/O NAND KISHORE ARYA R/O VILLAGE- SIMRAHI, P.S- RAGHOPUR, DISTT.- SUPOUL.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY, VIGILANCE GOVERNMENT OF BIHAR, PATNA. BIHAR
2. THE PRINCIPAL SECRETARY VIGILANCE, GOVERNMENT OF BIHAR, PATNA. BIHAR.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      29-11-2023                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

1. The petitioners seek bail in connection with Baisi P.S. Case No. 326 of 2023 registered for the offences punishable under Sections 341, 342, 323, 386, 387, 506, 34 of the I.P.C. and under Section 50 of the Bihar Prohibition and Excise Act and under Section 7 of the Prevention of Corruption Act, 1988.

2. As per prosecution case, informant being an owner -cum- driver of the truck in question, was proceeding



from Agartalla to Hyderabad, carrying rubber in the said truck. During the course of checking, petitioners assaulted the informant and co-accused, Ashok Kumar extracted ransom from the informant.

3. Learned counsel for the petitioners submits that on similar and identical allegation, co-accused Indradeo Singh @ Indradev Singh has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 72032 of 2023 and on the principle of parity, the present petitioner is also entitled for the same treatment. He also submits that co-accused Ashok Kumar who has extracted money from the informant has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 68272 of 2023 and the case of present petitioner stands on lesser footing. He further submits that petitioner nos. 1 and 2 are homeguard constables and petitioner no. 3 is excise computer operator. Petitioners are in custody since 06.08.2023 and bear no criminal antecedent. Learned counsel for the petitioners orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

4. The learned counsel on behalf of the Vigilance, Government of Bihar as well as learned A.P.P. for the State



opposed the prayer for bail of the petitioners and submitted that petitioners being on duty, are the enforcing authority but they have acted against their legal duty and, hence, they do not deserve bail.

5. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge V cum Special Judge Vigilance, Bhagalpur in connection with Baisi P.S. Case No. 326 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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