

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24288 of 2024**

Arising Out of PS. Case No.-24 Year-2023 Thana- RAIYAM District- Darbhanga

Sushil Chaupal Son Of Baidhnath Chaupal Resident Of Village- Pachadhi, Ps-
Raiyam, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Prasad, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Ms. Puja, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-04-2024 Heard Mr. Baidya Nath Prasad, learned counsel for
the petitioner, Ms. Puja, learned counsel appearing on behalf of
the informant as well as Mr. Jagdhar Prasad, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.01.2024 in connection with Raiyam P.S. Case No. 24 of
2023, F.I.R. dated 20.04.2023 for the offences punishable under
Sections 147, 149, 341, 323, 325, 354(B), 379, 386, 504 and
506 of the Indian Penal Code.

3. According to prosecution case, this petitioner
demanded Rs. 30,000/- as extortion money from the informant
for construction of toilet and also snatched gold chain from his
neck and Rs. 25,000/- from his pocket.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has 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 petitioner has not committed any offences as alleged in the F.I.R. In fact, the present case is the counter blast of Raiyam P.S. Case No. 23 of 2023 filed by the petitioner's side. He further submits that the informant was renovating old toilet in place of construction of new toilet to embezzle the government fund therefore, the petitioner has filed the Raiyam P.S. Case No. 23 of 2023 against the informant and other accused persons and in retaliation of the aforesaid case, the present false and fabricated case has been filed against the petitioner. He further submits that as per the allegation in the F.I.R, the petitioner has assaulted the informant and thrown one Yash Kumar on ground due to which his right hand got fractured. He further submits that no injury report is available on record which suggest that the allegation is false and fabricated. He further submits that the Dr. has found swelling over left side of chest over the person of injured Ram Babu Mahto and Dr. has further found pain and swelling over right hand and also over head and neck of Rajeev Kumar Mahto. He further submits that the police after investigation submitted



the charge sheet against the petitioner. The petitioner is in custody since 06.01.2024.

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 petitioner and submits that there is specific allegation against the petitioner that he has assaulted the informant and other family members and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

6. Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate-V, Darbhanga in connection with Raiyam P.S. Case No. 24 of 2023, 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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