

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31174 of 2024

Arising Out of PS. Case No.-134 Year-2023 Thana- MANIYARI District- Muzaffarpur

Arvind Rai, aged about 37 years (M), S/O Jawahar Rai, R/O Village-
Madhopur, P.S- Maniyari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Sinha, Advocate
For the State	:	Ms. Madhuri Lata, APP
For the Informant	:	Mr. Arbind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner; learned
Additional Public Prosecutor for the State and learned counsel
for the informant.

2. The petitioner apprehends arrest in connection with
Maniyari PS Case No.134 of 2023 dated 30.04.2023, instituted
under Sections 341, 323, 384, 429, 504, 506/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence the informant came to know that some
persons were breaking the boundary wall of his land; thereafter
he along with his uncle went there and found that the boundary
wall of his land was broken. When he enquired as to who has
broken the boundary wall, the accused persons pointed a pistol
upon the informant and his maternal uncle and rupees five lakh



was demanded as extortion.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is also submitted that co-accused, Sunil Kumar, Rajesh Kumar and maternal uncle of the informant were doing the business of sale and purchase of the lands in the locality and they have purchased and sold several lands in their joint names. Due to some dispute in business with maternal uncle of the informant, the petitioner has been implicated in this false case which has been instituted at the instance of maternal uncle of the informant. Further submission is that wife of the co-accused, Sunil Kumar, has also filed a case against the informant and others vide Maniyari PS Case No.140 of 2023. It is also submitted that co-accused, Rajesh Kumar Chaudhary @ Munna Chaudhary has been granted bail by this Court vide order dated 19.08.2023 passed in Cr. Misc. No.50886 of 2023 and co-accused, Sunil Kumar @ Sunil Mahto, has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.54988 of 2023. Lastly, it is submitted that six criminal cases are pending against the petitioner.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on 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 Judicial Magistrate, 1st Class, Muzaffarpur, in Maniyari PS Case No.134 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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, and (iv) that 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.

7. The Court below before accepting the bail bonds shall verify the criminal antecedents of the petitioner.

8. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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