

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49857 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- Kumarbagh District- West Champaran

Kundan Pandey S/o Gauri Shakar Pandey R/o vill - Khardeoh, Dubauliya,
P.S. - Kumarbagh, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.

For the Opposite Party/s : Mr.Jagdhari Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kumarbagh P.S. Case No. 2 of 2024 instituted for the offences
under Sections 384, 386, 504/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, the petitioner went to the
Informant's office and demanded extortion of Rs. 10 lakh and
also threatened that if you do not send the money to your home,
your life along with your work will be stopped and two firings
were also made in the air.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. The petitioner was not arrested on the spot and, thus, nothing incriminating has been recovered from his conscious possession. He again points out that the present case has been compromised between the parties. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is not an iota of evidence against the petitioner in the whole F.I.R. The petitioner has no concern with the alleged occurrence. The petitioner has eight criminal antecedents and is languishing in judicial custody since 27.03.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Abhyash Singh @ Abhyash Kumar Singh has been granted bail by this Court vide order dated 27.06.2024 passed in Cr. Misc. No. 44921 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, **after framing of charge, if not already framed**, on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kumarbagh P.S. Case No. 2 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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