

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54800 of 2024

Arising Out of PS. Case No.-103 Year-2022 Thana- MURLIGANJ District- Madhepura

1. Kailash Rishideo @ Kelash Rishidev Son Of Musho Rishidev Village- Rajni, Ward No. 17, Ps- Murliganj, Dist- Madhepura
2. Chalitar Rishideo @ Chalitar Rishidev Son Of Vishun Rishideo Village- Rajni, Ward No. 17, Ps- Murliganj, Dist- Madhepura
3. Ramesh Hansda @ Ramesh Hasada Son Of Babulal Hasada Village- Rajni, Ward No. 17, Ps- Murliganj, Dist- Madhepura
4. Babulal Hansda @ Babulal Hansada Son Of Mandal Hansada Village- Rajni, Ward No. 17, Ps- Murliganj, Dist- Madhepura
5. Mahendra Baski @ Mehendra Baski Son Of Kanhu Baski Village- Rajni, Ward No. 17, Ps- Murliganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Murliganj P.S. Case No. 103 of 2022 for the offence registered under sections 341, 323, 342, 379, 354(B), 386, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 01.03.2022 by the informant Damodar Das.

3. As per the prosecution story, the informant alleged that he runs a flour mill where the petitioner no. 1, Kailash Rishideo came along with his accompish and demanded extortion money of Rs. 50,000/-. When this was protested, they



tried to wrap a towel around the neck of the informant causing to press it. Further allegation against petitioner no. 1 is of taking away Rs. 5,000 as also outraging the modesty of the informant's wife. The allegation of firing is also against the petitioner no. 1. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that only due to enmity, implicated. Further, so far as the other petitioners are concerned, they have been clubbed as accomplices, no overt act has been alleged.

5. Learned APP for the State, Mr. Jitendra Kumar Singh submits that so far as petitioner no. 1 (Kailash Rishideo) is concerned, he has criminal antecedent inasmuch as in Murliganj P.S. Case No. 174 of 2022, he is an accused amongst other under Section 302 of the IPC. In that background, he submits that considering the demand of extortion as also the further allegation against him, petitioner no. 1 is not entitled to any relief.

6. Taking into account the aforesaid submissions/the allegations, so far as the petitioner no. 1 (Kailash Rishideo) is concerned, his anticipatory bail stands rejected.

7. So far as petitioner no. 2, 3, 4 and 5 namely Chalitar Rishideo, Ramesh Hansda, Babulal Hansda, Mahendra



Baski respectively are concerned, omnibus allegation is there against them, no overt act has been alleged, they do not have criminal antecedent, this Court is inclined to grant them the anticipatory bail with conditions.

8. Let the petitioner no. 2, 3, 4 and 5 namely Chalitar Rishideo, Ramesh Hansda, Babulal Hansda, Mahendra Baski respectively in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, Madhepura in connection with Murliganj P.S. Case No. 103 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner no. 2, 3, 4 and 5 namely Chalitar Rishideo, Ramesh Hansda, Babulal Hansda, Mahendra Baski respectively, who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 2, 3, 4 and 5 namely Chalitar Rishideo, Ramesh Hansda, Babulal Hansda, Mahendra Baski respectively shall appear on each and every date before the Trial



court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner no. 2, 3, 4 and 5 namely Chalitar Rishideo, Ramesh Hansda, Babulal Hansda, Mahendra Baski respectively shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner no. 2, 3, 4 and 5 namely Chalitar Rishideo, Ramesh Hansda, Babulal Hansda, Mahendra Baski respectively shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no. 2, 3, 4 and 5 namely Chalitar Rishideo, Ramesh Hansda, Babulal Hansda, Mahendra Baski respectively shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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