

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59781 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- BIHIA District- Bhojpur

Vikash Tatwa @ Chhotu @ Ravi Shankar Prasad @ Chhoto Tatwa S/o- Sheo
Parsan Tatwa @ Sheo Parsan Prasad, Village -Umrawganj, PS - Bihiyan, Dist-
Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard Mr. Awnish Kumar, learned Advocate

 appearing on behalf of the petitioner and the learned Additional

 Public Prosecutor for the State.

2. The application for grant of regular bail to the petitioner who is in custody in connection with Bihiyan (Bahoranpur) P.S. Case No. 90 of 2024 registered for the offence punishable under Sections 342, 323, 307, 379, 387, 504 and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that while the informant was on his shop, in the mean time, a white colour car, bearing registration no. BR-03Z-6253, boarded by petitioner and two others came to his shop and demanded ransom from the informant. On refusal to pay the



ransom, all the accused persons dragged him in their car and brought him to an orchard, where all of them assaulted the informant, due to which he became unconscious. While the accused persons were talking to kill the informant, in the mean time, the informant gained consciousness and started fleeing away. On noticing the same, the accused persons fired upon him, however, by taking benefit of darkness, he succeeded in fleeing away. It is also alleged that the accused persons had taken away Rs. 35,000/- from the pocket of the informant.

4. Learned Advocate appearing on behalf of the petitioner contended that the narratives made in the FIR, there is no specific allegation that who has made the demand of ransom and what was the amount of ransom. It is also evident that the ransom amount has never been handed over to the accused person. The accused person and the informant are villagers and because of some trifle they entered into a dispute resulting into a free fight, wherein the informant had sustained some injuries and subsequent thereto the FIR has been instituted. Admittedly even if the allegation taken to be true, no case much less under Section 307 and 387 is made out. So far the other offences are concerned, the same are triable by the Magistrate. It is lastly contended that the petitioner is a man of fair antecedent and



now he has been incarcerated since 06.06.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the bail application and submits that the complicity of the petitioner in the crime of demanding ransom and assaulting the informant cannot be denied in view of the specific allegation made in the FIR.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against all the accused person, coupled with the fact that later on the informant filed petition before the Court that they have resolved the dispute amicably on the advice of the well-wishers, apart from there is no injury report corroborating the allegation of assault, coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate in connection with Bihiyan (Bahoranpur) P.S. Case No. 90 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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