

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69803 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- Chakia District- Begusarai

Vijay Kumar Rai @ Vijay Rai Son of Sagar Rai @ Ram Sagar Rai Resident
of Village - Chakia Bind Toli Nagar Parishad Ward No.35, P.S. - Chakiya,
District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Anshuman, Adv.

For the Opposite Party/s : Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Chakia P.S. Case No. 18 of 2024, registered for the offences under Sections 341, 323, 325, 307, 354(B), 385, 386, 447, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, petitioner and other co-accused persons who were armed with *lathi*, *danda*, iron rod and other weapons came to the doors of the informant and starting demanding Rs.1 lakh as extortion money. On the orders of the petitioner, co-accused persons tried to disrobe the informant. The petitioner assaulted the husband of the informant with iron rod causing fracture of his left hand. They also assaulted the son



of the informant even after taking Rs.10,000/- from him.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The present case has been lodged by the informant side to save themselves from the complaint case lodged by the petitioner *vide* Complaint Case No. 92C of 2024 which has been filed before learned C.J.M., Begusarai against the informant and others for an occurrence of 07.01.2024. The informant and her husband were demanding expenses of bail incurred by them in the Complaint case and for this reason, they have assaulted the petitioner. There could be no application of Section 307 of the Indian Penal Code in the present case as there was no intention to cause death and there was no intervening circumstances and no injury on the vital part of the body. There is no allegation of extortion, outraging the modesty of a woman or theft against this petitioner. It is not believable that a person with his wife and children will demand extortion and outrage the modesty of a woman in front of his own family. The petitioner is in custody since 12.06.2024. The petitioner is having antecedent of six cases and in one such case final form has been accepted and in all the other cases the petitioner is on bail. Charge sheet has been submitted against the



petitioner.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner that he fractured the hand of the husband of the informant.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the submission of charge sheet against the petitioner and the period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai/concerned court, in connection with Chakia P.S. Case No. 18 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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