

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72575 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Asphak Raja @ Raja Maphiya @ Md. Asphak Raja Son of Md Istephak @
Bhola R/O Vill - Pawra, P.S. - Cheria Bariarpur, (Manjhaul OP), Distt. -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Maharaj, Adv.

For the Opposite Party/s : Ms.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

4 13-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with S.T. No.
982 of 2022 arising out of Cheria Bariarpur (Manjhaul OP) P.S.
Case No. 168 of 2022 instituted for the offences under Sections
341, 307, 386, 504, 506/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, on the direction of the co-
accused Rajnikant Pravin @ Bauajee, all the FIR named
accused persons along with the petitioner demanded extortion of
Rs. 1,00,000/- from the Informant and upon non-fulfillment of
the aforesaid demand, they threatened to murder the Informant.



Further allegation is that the petitioner along with other co-accused shot fire upon the Informant from their pistol.

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 due to grudge and malice. He submits that the petitioner has neither fired upon the Informant nor has demanded Rangdari but, due to enmity, he has been dragged in this case. It has further been submitted that the allegation leveled in the FIR has not been corroborated by the Injury report. There is long and unexplained delay of about 13 days in lodging the F.I.R. Both the parties are co-villager. Charge-sheet has been submitted in this case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 29.07.2022. Learned counsel for the petitioner again submits that the co-accused Md. Sonu has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.11.2023 passed in Cr. Misc. No. 56025 of 2023.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner submitting that there is specific allegation against the petitioner that he had demanded *rangdari* from the Informant.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the claim for bail being based on parity, let the petitioner, abovenamed, be released on bail 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 S.T. No. 982 of 2022 arising out of Cheria Bariarpur (Manjhaul OP) P.S. Case No. 168 of 2022.

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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