

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81753 of 2023

Arising Out of PS. Case No.-211 Year-2023 Thana- BALIYA District- Begusarai

Manish Kumar S/O Bimlesh Kumar Singh, Village- Meghaul, Ward No. 4,
PS- Khodabandpur, Dist. Begusarai, Bihar, Pin Code-848202.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Raghvendra Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Pawan Kumar
Chaurasia, the learned Additional Public Prosecutor for the
State.

2. The petitioner apprehends his arrest in connection
with Ballia PS Case No. 211 of 2023 dated 02.08.2023,
registered for the offences punishable under Sections 341, 323,
504, 506, 379 and 386/34 of the Indian Penal Code.

3. Allegedly, while the informant was going to Ballia,
Begusarai, in the meantime he was intercepted by all the FIR
named accused persons. It is further alleged that co-accused
Rahul Kumar forcibly opened the gate of his Innova car and on
the point of pistol pulled him out and started beating him. It is
further alleged that Rahul Kumar also fired. However, he did not

sustain any injury. The allegation against the petitioner is of causing a *lathi* blow over his back. Co-accused Rahul Kumar, who had earlier also demanded Rs. 30,000/- (Rupees thirty thousand only) as extortion, snatched Rs. 10,200/- (Rupees Ten thousand and two hundred only) and threatened with dire consequences.

4. Learned counsel appearing on behalf of the petitioner submits that from the narratives of the FIR, it is evident that earlier the co-accused Rahul Kumar had demanded extortion of rupees thirty lakh, but surprisingly no FIR was instituted. Further, the alleged occurrence took place on 29.07.2023, but the present FIR has been instituted on 02.08.2023, without there being any explanation for the delay. He next submitted that the prosecution story to the extent that this petitioner has assaulted over the back of the informant also doesn't inspire confidence. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel appearing on behalf of the State opposed the pre-arrest bail application and submits that the petitioner has actively participated in the crime of *rangdari* and assault.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the delay in lodging of the FIR, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt / production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with **Ballia PS Case No. 211 of 2023**, subject to the conditions laid down in Section 438(2) of Cr.P.C. with the further condition that one of the bailors shall be the own / close family members of the petitioner.

(Harish Kumar, J)

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