

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82748 of 2023

Arising Out of PS. Case No.-174 Year-2020 Thana- SIMRI District- Darbhanga

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Rohit Jha @ Rohit Kumar Jha Son of Ashok Kumar Jha Resident of Ward
No.6, Near Primary School, Jalwara, P.S.- Simri Kamroli, District- Darbhanga
... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi Son of Mithilesh Kumar Thakur Resident Of Village Jalwar,
P.S.- Simri, District -Darbhanga
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abinash Kumar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Simri P.S. Case No. 170 of 2020, registered on 27.08.2020 for the offences under Sections 341, 323, 353, 379, 385, 427, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons demanded extortion from the informant, Incharge Headmistress of school, for running a community kitchen and also threatened the husband of the informant by brandishing a pistol. The allegation against the petitioner is that he took away a gold ring weighing 3 gms from



the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. After investigating the case, police submitted charge sheet under various sections of the IPC except Sections 379 and 427 of the Indian Penal Code and cognizance has been taken under Sections 341, 323, 353, 385, 504, 506/34 of the Indian Penal Code. There is no allegation of theft after submission of charge sheet and the matter has been compromised between the parties. Learned counsel further submits that while disposing of the anticipatory bail petition of the petitioner the learned Sessions Judge directed the petitioner to surrender before the learned court below within six weeks and time was further extended, but the petitioner could not surrender as he has been doing some private job out of the State. The petitioner is having criminal antecedent of one case and he is bail in that case.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering non-serious nature of allegation against the petitioner, let the petitioner above named, in the event of his arrest or surrender



before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Darbhanga/concerned court in connection with Simri P.S. Case No. 174 of 2020, subject to the condition as laid down under Section 438(2) 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 court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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