

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82438 of 2023

Arising Out of PS. Case No.-486 Year-2023 Thana- DHAKA District- East Champaran

Sikandar Azam @ Sikandar -E- Azam Son Of Sanaullah Ansari R/O Village-
Vikrampur, Ramji Dubey Tola, P.S.- Dhaka, Dist.- East Champaran At
Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 10-01-2024 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 Dhaka P.S. Case No. 486 of 2023, registered on 24.08.2023 for the offences under Sections 341, 323, 427, 379, 364, 387, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the informant alleged that the petitioner and other co-accused persons damaged the equipments on the site where work was going on for construction of waste management plant and took away the construction material from the site. Further allegation is that the petitioner and other co-accused persons demanded ₹2 lakhs as extortion amount.

4. The learned counsel for the petitioner submits



that the petitioner is innocent and has been falsely implicated in this case. There is political rivalry between the informant and petitioner and other co-accused persons for last five years. In the election of Mukhiya, co-accused Radha Kumari Patel contested and lost the election and on her application, the incumbent Mukhiya, the sister-in-law of the informant, was dismissed by State Election Commission. The informant is working as Up-Mukhiya and he does not want that election result be declared. Learned counsel further submits that the site of construction work is a public place and local people opposed its conversion to a waste management plant since the place was used by the local people for recreation and other activities. Learned counsel further submits that in the background of these facts, no offence, as alleged in the FIR, is made out against the petitioner. The petitioner is accused in two more cases and he is on bail in both the cases.

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 the lack of substantive material against the petitioner, let the petitioner above named, in the event of her 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.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Dhaka, East Champaran/concerned court in connection with Dhaka P.S. Case No. 486 of 2023, 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)

Amrendra/-

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