

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80816 of 2024

Arising Out of PS. Case No.-36 Year-2017 Thana- SAMASTIPUR District- Samastipur

Harinath Pandey, S/o Ram Murti Pandey, Resident of Village- Dadhiya
Asadhar, P.S.- Angarghat, Dist - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Samastipur Town P.S. Case No. 36 of 2017 for the offence under Sections 341, 323, 419, 420, 406, 468, 471, 467, 504/34 of the Indian Penal Code lodged on 02.02.2017 by the complainant, Lalan Rai.

3. As per the prosecution story, the informant alleged that while returning, the accused persons intercepted and demanded money or to face dire consequences. The allegation is that after putting *muflar* on his neck, they started dragging him and when the wife and neighbour came, his life was saved. The fact remains that Rs.95,000/- was taken by the accused but was not returned and upon demand, only Rs.42,000/- was paid and after the demand of rest, this incident.

4. Learned counsel for the petitioner submits that only because the payment was not made, an exaggerated F.I.R. has been



made. He having no criminal antecedent, is in custody since 29.08.2024 (para-10 of the petition). Further, the last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the alleged amount has taken by the accused, the petitioner on it own would like to contribute Rs.60,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the concerned Trial Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer for bail submitting that two fold allegation are there, one of taking the money and second of dragging him by *muflar* as he demanded money.

6. Though the allegation is there, the fact remains that the petitioner is ready to pay Rs.60,000/- to the informant through Demand Draft, is in custody since 29.08.2024, will be facing the music and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs.60,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial



Magistrate, Samastipur in connection with Samastipur Town P.S.
Case No. 36 of 2017 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and the failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of bail bond.

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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