

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23909 of 2025

Arising Out of PS. Case No.-145 Year-2024 Thana- Balwahat District- Saharsa

Manish Kumar S/o Shyamsundar Roy R/o Village- Sakra Ward No.1, P.S.-
Balwahat, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-09-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Balwahat P.S. Case No. 145 of 2024 registered for the offence under Sections 126(2), 115(2), 308(3), 326(g), 351(2), 352 and 3(5) of the B.N.S., lodged on 18.10.2024 by the informant, Chhote Kumar.

3. As per the prosecution story, the allegation is that earlier the informant had altercation with this petitioner and he had threatened him of dire consequences as also to burn his shop if the extortion is not paid. Further, the allegation is that one day it was put on fire which led to loss of property worth Rs. 8 Lakhs. This led to the F.I.R.

4. The coordinate Bench had called for the case diary which is on record.



5. Learned counsel for the petitioner has taken this Court to paragraph no.60 of the case diary to show that the supervision report shows that no one has come forward to acknowledge how the shop was engulfed in fire nor any role of the petitioner has come up. Further to show his bonafide, he is ready to provide his phone number so that from the CDR, it can be ascertained whether he was present at the place of occurrence or not. Last submission is that he do not have criminal antecedent and if granted relief, he shall be diligently appearing in trial/cooperating the investigation.

6. Learned APP Mr. Jitendra Kumar Singh, opposes the prayer for bail submitting that after the fire, a panchayati took place and a cost of Rs.11,000/- was imposed upon him but the refused to pay.

7. Considering the submissions put forward by the parties as also the supervision note, no one has seen whether the petitioner has any role in it, has no criminal antecedent and has provided the phone no. 81028-34874 which the police will take into account and go through the CDR to check movement of the petitioner on the day of occurrence, he has also undertaken to diligently appearing in trial/cooperate in investigation, in that background, this Court is inclined to extend him the privilege of



anticipatory bail.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, 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, Saharsa, in connection with Balwahat P.S. Case No. 145 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with 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/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her 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 and at the end of the period a certificate be submitted before the Trial Court;

(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 the bail bonds;

(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 bail bonds.

(Rajiv Roy, J)

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