

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83241 of 2024

Arising Out of PS. Case No.-218 Year-2022 Thana- CHAKAI District- Jamui

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Mahendra Das @ Mushan Das S/O Radheshwar Das @ Singheshwar Das @
Ragheshwar Das R/O Village-Luppi, P.S.- Bengabad, District- Giridih,
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Adv

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Chakai P.S. Case No.218 of 2022 registered for the offence

under Sections 364, 387 and 34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and

is in custody since 30.03.2024.

4. The allegation against the petitioner is to kidnap

the informant and others in order to commit their murder

while they were going to Kolkata with cattle loaded in three

trucks bearing Registration No. WB 25 J 6699, BR 03 GA

7246 and WB 23 D 6654, after loading cattle in village



Chausa, distt. Buxar. Occurrence took place at Chakai area near Ranganiya mode.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in the present case, where allegation is appearing very much superficial and omnibus in nature. It is submitted that no transaction as demanded under the threat of life as alleged was made. It is further submitted that allegation to advance threat is available against co-accused, Mantu Yadav. It is also submitted that informant and others rescued by their own efforts and only to aggravate the allegation present false allegation was raised, which is evident from the fact that despite availability of police at the place of occurrence itself, the F.I.R. was lodged after lapse of four days, without any just explanation. It is submitted that TIP of petitioner was not conducted, as yet. It is also submitted that similarly situated co-accused namely Chhotu Kumar Yadav has already granted bail by this court through Cr. Misc. No. 68417 of 2022 vide order dated 15.03.2023. While concluding the argument, it is submitted that petitioner found involved in two more cases,



where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as allegation against this petitioner is appearing general and omnibus, where thrust of allegation is available against co-accused Mantu Yadav, as to raise demand for cash of Rs. 50,000/- (Rupees Fifty Thousand), as per F.I.R., coupled with the fact that investigation of this case has already been submitted, let above named petitioner is directed to be released on bail in connection with Chakai P.S. Case No.218 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ 4th, Jamui/concerned court, subject to the following conditions as mentioned :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond



of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

S.Tripathi/-

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(Chandra Shekhar Jha, J.)

