

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79069 of 2025

Arising Out of PS. Case No.-293 Year-2024 Thana- HULASGANJ District- Jehanabad

1. Pintu Kumar S/o Late Brij Nandan Sharma R/o Vill- Khudauri, P.S.- Hulasganj, Distt- Jehanabad
2. Kundan Kumar @ Karua S/o Late Madho Singh R/o Vill- Khudauri, P.S.- Hulasganj, Distt- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-12-2025

Heard the parties.

2. The petitioners are apprehending arrest in connection with Hulasganj P.S. Case No. 293 of 2024 instituted under Section 308(2) of the Bhartiya Nayay Sanhita, 2023 lodged on 28.10.2024 by the informant, Jagdish Ram.

3. As per the prosecution story, the Police on information that some persons are extorting money from the vehicles crossing, went to the place. The accused persons fled away leaving the motorcycle. For an enquiry, it was that they belong to the Nagar Parishad who collect money in the day but thereafter, forcibly collect the money in the night which is an illegality. This led to the FIR.



4. Learned counsel for the petitioners submit that the motorcycle belong to one Mukesh Kumar who has already been granted relief in Cr. Misc. No. 30355 of 2025 on 23.07.2025 (Annexure-P/2 to the petition). Further, they have no role to play in the matter but later, during the investigation by the Deputy S.P., has found the cases true against them which necessitated the filing of the present anticipatory bail application. Submission is that only because of criminal antecedent, they have been implicated. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs.5000/- each (totalling Rs.10000/-) to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

5. Learned APP opposes the prayer submitting that not only they have criminal antecedent, they were extorting money during the night time and the Dy. S.P. found the case true against them.

6. Considering the submissions of the parties, though it is correct that in the garb of the officials, they illegally harassed the people moving on the Highways causing great inconvenience to them, in view of the fact that one of the co-



accused has been extended relief, an undertaking has been given that they shall be diligently appearing in the trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. Rs.5000/- each (totalling Rs.10000/-) to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Hulasganj P.S. Case No. 293 of 2024 to the satisfaction of learned C.J.M., Jehanabad subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;



(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

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

(Rajiv Roy, J)

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