

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86037 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Mithun Kumar S/o- Jagdesh Mahto Resident of kumbhi Ps- Cherriya
bariyarpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Braj Bhusan Poddar, Adv
For the Informant	:	Mr, Uday Shankar Chodhary, Adv
	:	Mr. Adarsh, Adv
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 26-05-2025 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned APP for the State.

2. The petitioner seeks bail in connection with Cheria
Bariyarpur P.S. Case No. 35 of 2024 registered for the offences
under Sections 323, 354(B), 379, 385, 387, 504 and 506 read
with Section 34 of the Indian Penal Code.

3. As per the prosecution case, around 7-8 unknown
persons armed with pistol, bamboo stick, came to the chimney
of Shiva Bricks of the informant and started hurling abuses and
demanded extortion amount of Rs. 10 lacs. It is further alleged
that the unknown persons even assaulted the laborers present
there and tried to outrage modesty of the women laborers and
thereafter, all the said miscreants fled away. The FIR further



states that, the said unknown persons then moved to the chimney of Naaz Bricks owned by one Md. Ali Ahamad and abused the laborers present there and reiterated their demand of Rs. 10 lacs.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and there is no specific allegation against him. The occurrence took place on 19.02.2024 but the FIR was instituted on 21.02.2024 without giving any plausible reason. The learned counsel next submits that the name of the petitioner has surfaced on the confessional statement of co-accused Nitesh Kumar, who has already been granted regular bail by co-ordinate Bench of this Court vide order dated 01.05.2025 passed in Cr. Misc. No. 86617 of 2024. It is further submitted that charge sheet has already been submitted. It is also submitted that similarly situated co-accused namely, Ravindra Kumar Mahto, has been granted bail by a coordinate Bench of this Court vide order dated 28.11.2024 passed in Cr. Misc. No. 82128 of 2024. It is lastly submitted that the petitioner has three criminal antecedents and is in custody since 30.07.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail.



They have jointly stated that the petitioner is a member of Naxalite group and he was involved with the other co-accused persons to threaten the informant of dire consequences after demanding Rs. 10 lakhs.

6. Considering the aforesaid submissions forwarded by the respective parties, it is evident from bare reading of the FIR that there is no specific allegation upon the petitioner, rather there is general and omnibus allegation of demand of ransom and allegation of threatening.

7. Thus, taking into account the fact that there is no specific allegation against the petitioner rather there is general and omnibus allegation of demand of ransom and allegation of threatening and also considering the period of custody, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai, in connection Cheria Bariyarpur P.S. Case No. 35 of 2024, subject to the following conditions:-

(i) One of the bailors will be 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.

(iii) In case of absence on two consecutive dates or in violation of the terms of the



bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. The application stands allowed.

(Sourendra Pandey, J)

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