

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83824 of 2024

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

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Sanjay Sah @ Sanjay Kumar S/O Musahru Sah @ Musah Sah R/O Vill-
Kumbhi, P.S - Cheriabariyarpur Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 85382 of 2024

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

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Nagmani Mahto S/o Jay Prakash Mahto Resident of vill- Kumbhi Patolia
Dera, P.S. - Cheriya Bariyarpur, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 85580 of 2024

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

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Raja Kumar Son of Sanjay Jayswal @ Sanjay Chaudhary Resident of village-
Bariyarpur(West), PS- Khodawandpur, District- Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 86617 of 2024

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

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Nitesh Kumar @ Aaryan Kumar Singh @ Nitish Kumar @ Aryan Kumar Son
of Ram Jeevan Mahto Resident of Village- Chakwa, P.S.- Khodawandpur,
Distt.- Begusarai



... .. Petitioner/s
Versus
The State of Bihar Bihar
... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 83824 of 2024)
For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 85382 of 2024)
For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 85580 of 2024)
For the Petitioner/s : Mr. Pranav Kumar, Advocate
Mr. Bhubneshwar Mahto, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP
(In CRIMINAL MISCELLANEOUS No. 86617 of 2024)
For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Informant : Mr. Uday Shankar Choudhary, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 01-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek 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, 506 and 34 of
the Indian Penal Code.

3. As per the FIR, the informant has alleged that
around 7-8 unknown persons came to their brick kiln armed
with pistol, bamboo stick and they started hurling abuses and
demanded Rs. 10 lacs as ransom and threatened that if the same
is not paid, they would be killed. It is further alleged that those
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 another brick kiln of the informant and also abused the laborers present there and reiterated their demand of Rs. 10 lacs.

4. Learned counsel for the petitioners submits that the petitioners are not named in the FIR and there is no specific allegation against them. The occurrence took place on 19.02.2024 but the FIR was instituted on 21.02.2024 without any valid explanation. The learned counsel next submits that petitioners' names have surfaced on the confessional statement of co-accused Pappu Sahani who was arrested in another case being Cheria Bariyarpur P.S. Case No. 40 of 2024. It is further submitted that charge sheet has already been submitted and the petitioner Sanjay Sah was taken on remand on 30.07.2024 in the present case as he was arrested on 26.04.2024 in Cheria Bariyarpur P.S Case No. 40 of 2024. 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 Criminal Miscellaneous No. 82128 of 2024.

5. Learned counsel for the petitioner submits that



petitioner Sanjay Sah has only one criminal case pending against him. Petitioner Nagmani Mahto carries a long list of 28 criminal cases against him, however, in most of the cases, he has been put on trial and has been acquitted and in rest of the cases he is on bail except two cases and because of such incident, he has been dragged in the present case. He is in custody since 30.07.2024. Petitioner Raja Kumar carries five criminal cases against him, however, he is on bail in three cases and because of such incident he has been dragged in the present case. He is in custody since 30.07.2024. Petitioner Nitesh Kumar carries 10 criminal cases pending against him, however, he is on bail in all cases and because of such incident he has been falsely implicated in the present case. He is in custody since 27.05.2024.

6. Learned Additional Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for bail. They have jointly stated that the petitioners are Naxalite and they have threatened the informant of dire consequences after demanding Rs. 10 lakhs.

7. Learned counsel for the informant has expressed his concern that if the petitioner and other co-accused persons are granted bail, the informant would be killed.



8. Learned counsel appearing for the State has submitted that in the confessional statement of co-accused Pappu Sahni, the name of the petitioners have surfaced who has admitted the role of the petitioners in the said incident.

9. 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 petitioners, rather there is general and omnibus allegation of demand of ransom and allegation of threatening.

10. Thus, taking into account the fact that there is no specific allegation against the petitioners rather there is general and omnibus allegation of demand of ransom and allegation of threatening and that petitioners Sanjay Sah, Nagmani Mahto and Raja Kumar are in custody since 30.07.2024 and petitioner Nitesh Kumar is in custody since 27.05.2024, let the petitioners, above named, be released on bail on each of them furnishing a bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection Cheria Bariyarpur P.S. Case No. 35 of 2024 subject to the conditions that

a. One of the bailors of the petitioners shall be his



close relative.

- b. The petitioners shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioners in similar nature of offence, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(Sourendra Pandey, J)

Prakash/-

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