

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No. 14576 of 2021**

Arising Out of PS. Case No.-363 Year-2019 Thana- TEGHRHA District- Begusarai

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1. Ram Kumar Ray @ Ram Kumar @ Ramma, Male, aged about 33 years, Son of Bhola Ray, Resident of Village - Bariyarpur, Barauni, Ward No.9, PS-Teghra, District- Begusarai.
2. Sonu Kumar @ Pukka @ Rupesh Kumar, Male, aged about 19 years, Son of Lalan Prasad Singh, Resident of Village - Barauni-3, Ward No.4, PS-Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate  
For the State : Dr. Ajeet Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL JUDGMENT**

**Date : 30-07-2021**

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners on 22.07.2021, which was allowed.

3. Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioners and Dr. Ajeet Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioners apprehend arrest in connection with Teghra PS Case No. 363 of 2019 dated 17.10.2019, instituted under Sections 147, 341, 323, 325, 379, 504, 506, 386, 307 of the Indian Penal Code and 27 of the Arms Act, 1957.



5. The allegation against the petitioners is that they were party to demand of extortion by co-accused Lalan Singh, who is also the father of petitioner no. 2, but against the petitioners, it is general and omnibus whereas against two other co-accused, it is specific of giving blow by the butt of the gun on the head of the son of the informant whereas against the petitioner no. 2, it is also specific of taking away Rs. 55,000/- as also the cash box from the poultry farm of the informant.

6. Learned counsel for the petitioners submitted that a completely false and concocted case has been instituted for oblique reasons. It was submitted that the petitioner no. 2, along with his brother and father, has been made accused for the reason that they are neighbours and there was dispute with regard to passage for which a *panchayati* was held and despite the verdict in favour of the petitioner no. 2, the informant did not obey the same and petitioner no. 1 had supported the petitioner no. 2 and his father in the said *panchayati* due to which there is false implication. It was submitted that the allegation that petitioner no. 2 took away Rs. 55,000/- is ornamental. Moreover, learned counsel submitted that even if the allegation is taken at its face value, the specific allegation is that another co-accused, who is the brother of petitioner no. 2 i.e., Nishu Kumar had given repeated



blows on the head on the son of the informant by the butt of gun, though not a petitioner herein, even such allegation is falsified as only two wounds have been found on the head, one being simple and another being grievous, but there is no sign of any repeated blows. Learned counsel submitted that the petitioners have no other criminal antecedent.

7. Learned APP submitted that the petitioners were party to demand of extortion and also assault on the son of the informant. However, it was not disputed that against petitioner no. 1, the allegations are general and omnibus and against petitioner no. 2, the only specific allegation is of taking away of Rs. 55,000/- and the cash box from the poultry farm of the informant.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Teghra PS Case No. 363 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, and further, (i) that one of the bailors shall be a close relative of the



petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners and (iii) that the petitioners shall co-operate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

10. The petition stands disposed of in the aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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