

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35391 of 2014

Arising Out of PS.Case No. -5 Year- 2011 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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Mukesh Pathak Son of Late Lalan Pathak resident of village- Maruabad,
P.S.- Mahesi, District- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Dr. Amrendra Kumar, Advocate.

For the Opposite Party : Mr. Sanjay Kr. Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 17-04-2015 Heard both sides.

The petitioner seeks bail in Mahesi P.S. Case No. 05 of 2011, corresponding to Trial No. 1766 of 2012, registered for the offences punishable under Sections 385, 387 and 34 of the Indian Penal Code.

The informant disclosed that from mobile nos. 7870806743, 8877845933 and 802756238 call was made on his mobile and the caller demanded Rs. 5 lakhs as extortion in the name of Mukesh Pathak and Nikesh Dubey.

Learned counsel for the petitioner submits that the investigating officer did not collect any evidence to show that the mobile from which call was made to the informant belong to whom. The petitioner is not the owner of the aforesaid SIM

numbers. The petitioner is in jail since 21.01.2012. The petition for bail of the petitioner was rejected earlier by the learned Additional Sessions Judge on 08.07.2013, but till date the trial has not been concluded. The informant has already been examined and do not support the prosecution case. The informant disclosed in his evidence that the petitioner is his co-villager and in the name of the petitioner somebody else demanded extortion.

Considering the facts aforesaid and nature of allegations made against the petitioner and the fact that the petitioner is in jail for more than three years and three months, of course, the petitioner has got criminal antecedent but considering the period of incarceration of the petitioner, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri R.K. Bharti, the learned Judicial Magistrate, 1st Class, East Champaran at Motihari in connection with Mahesi P.S. Case No. 05 of 2011, corresponding to Trial No. 1766 of 2012.

(Prabhat Kumar Jha, J.)

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