

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15326 of 2018

Arising Out of PS.Case No. -449 Year- 2017 Thana -KOTWALI District- PATNA

- =====
1. Indradeo Prasad, son of Late Amrit Mahto.
 2. Nitish Kumar, son of Indradeo Prasad.
- Both Resident of Village- Maira, P.S.- Katrisarai, District- Nalanda.

.... Petitioners.

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 19-03-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in Kotwali P.S. Case No.
449 of 2017 registered under Section 417, 418, 419, 420 & 120-B
of the Indian Penal Code and 66 (A) (D) of the I.T. Act.

Some unknown miscreants are said to have
demanded Rs.25,000/- from the daughter of the informant from
different mobile phones to get her passed in the T.E.T. Skill Test,
2017 and extended threatening to get her failed on not coughing
up the demand.

It is submitted by learned counsel for the petitioners
that no such occurrence as alleged ever took place. The petitioners



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are neither named in the F.I.R. nor the mobile phones used in the demand of money have been recovered from their possession. They have no concern with the aforesaid occurrence. They have been falsely implicated in this case merely on the basis of confessional statement of one co-accused which has no evidentiary value in the eye of law. It is also submitted that in this case cognizance has been taken by the Court as there are several accused persons in the case and they are not appearing in the case, hence there is no possibility of framing of charge against the petitioners in near future. It is further submitted that co-accused Mukesh Kumar Gupta @ Munna Afat has been enlarged on bail by a coordinate Bench of this Court in Cr. Misc. No.52918 of 2017 vide order dated 29.11.2017. Petitioners have been languishing in custody since 16.10.2017.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No.449 of 2017, subject to condition that (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial



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and shall be present on each and every date fixed by the court and on absence on two consecutive dates without proper and reasonable reason their bail bond shall stand cancelled and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prakash Chandra Jaiswal, J)

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