

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11361 of 2018

Arising Out of PS.Case No. -528 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Munna Pathak @ Krishna Kumar Pathak Son of Diwas Nath Pathak,
Resident of Village-Mathiya Dih, Police Station-Muffasil Motihari,
District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Motihari Town
P.S. Case No. 528 of 2017 for offences punishable under Section
386 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he is owner of a shop named and styled as Sangam Handloom.
He got a mobile call from a specific number stating that Dipak
Paswan is speaking and asked for a ransom of Rs. 20 lakhs.

It has been submitted by the learned counsel for the
petitioner that he is innocent, is not concerned with the aforesaid



mobile and the confessional statement of co-accused Dipak Paswan before the police, on whose confession name of the petitioner surfaced, has no evidentiary value in the eye of law. He submits that he was in custody in another case being Chhatauni P.S. Case No. 207 of 2017 at that point of time, has been remanded in the present case and is languishing in judicial custody since 11.12.2017. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as two cases, one of serious nature, are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Motihari Town P.S. Case No. 528 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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