

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5043 of 2018

Arising Out of PS.Case No. -519 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Atul Kashyap @ Chunu S/o Laxman Prasad Singh, R/o Village- Chhota
Bariyarpur, P.S.- Chhatauni, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
26.08.2017 in connection with Motihari Town P.S. Case No. 519
of 2017 for offences punishable under Section 386 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that he received a letter demanding 10,000,00/- (Rupees ten lakhs)
through courier and also received ransom call from mobile no.
7870651257.

It has been submitted by the learned counsel for the
petitioner that he is innocent, the mobile from which such call was
made was not his but belonged to one Kunal Singh and that on the



basis of his confessional statement, he has been made accused which has no evidentiary value in the eye of law. He submits that no collection of demanded money has been alleged and that charge-sheet has been submitted.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in two more cases of similar nature.

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, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 519 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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