

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73717 of 2018

Arising Out of PS. Case No.-172 Year-2018 Thana- SIKANDRA District- Jamui

Shambhu Yadav, Son of Late Jagdish Yadav, Resident of Village- Dhadhaur,
P.S.-Sikandra, District-Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 26.07.2018 in a case registered for the offence punishable under Sections 385 and 387 of the Indian Penal Code and Section 66 of the I.T. Act.

The prosecution case got initiated on the basis of written report of Mahesh Ram submitted to the Station House Officer, Sikandara Police Station is to the effect that he received a letter stipulating therein that the informant has to talk on a particular mobile number mentioned in the said letter. Subsequently, when the informant talked on the alleged number then the speaker of the other side started abusing the informant and demanded extortion of Rs.20,00,000/-, and also threatened the informant that if he does not pay such amount, the entire family members of the informant will be



killed and her grand-daughter will be kidnapped. Thereafter, the informant started receiving frequent extortion calls from the said mobile number, leading to registration of the FIR against the owner of the said mobile number. During investigation, it was found that the said mobile number is registered in the name of the petitioner, Shambhu Yadav.

It is submitted by learned counsel for the petitioner that the petitioner never demanded any extortion money from the informant. In fact, his mobile number has been misused by someone else. It is further submitted that even assuming the accusation to be true, the only offence under Section 385 of the I.P.C. is made out, which is bailable. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that during investigation, it has been found that the alleged mobile number from which the extortion was demanded is registered in the name of the petitioner.

Considering the nature of accusation, the period of custody of the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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 Judicial Magistrate, 1st Class, Jamui, in connection with Sikandara P.S. Case No.172 of 2018.

(Dinesh Kumar Singh, J)

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