

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56034 of 2019

Arising Out of PS. Case No.-148 Year-2018 Thana- SASARAM NAGAR District- Rohtas

Manoj Kumar @ Manoj Chaudhary (M) Aged about 26 years Son of Late
Faguni Chaudhary, Resident of Village- Saraiya (Aurangabad), P.S. Amjhor,
District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ravi Shankar Sahay, with Mr. Chandra Mohan Jha, Advocates
For the State	:	Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 18-12-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Sasaram (T) Tilauthu P S
Case No. 148 of 2018 dated 22.01.2018 instituted under Sections
384, 386 of the Indian Penal Code and Sections 14, 16, 18, 20, 40
of the Unlawful Activities (Prevention) Act, 1967 to which later
Section 19 was also added.

3. The allegation against the petitioner, along with 21-22
unknown persons, is of being member of an extremist organization
and demand of extortion.

4. Learned counsel for the petitioner submitted that
nobody has identified the petitioner. It was submitted that the



petitioner has been implicated only because from the mobile number disclosed in the FIR, on which there was direction to call relating to extortion money, a call was made from the mobile number of the brother of the petitioner, who lives in Mumbai. Learned counsel submitted that even such call was made in February, 2018, i.e. much after the incident. Learned counsel submitted that except in one another case under the Excise Act, the petitioner has no criminal antecedent and has been arrested on 20.06.2019. It was submitted that there has been no Test Identification Parade to ascertain as to whether the petitioner was also in the mob which had come and demanded extortion.

5. Learned APP, from the case diary, did not controvert that witnesses have not taken the name of the petitioner and also that because a call was made from the mobile number disclosed in the FIR, there was contact between the mobile number disclosed in the FIR with that of elder brother of the petitioner, he has been made accused.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Dehri,



District- Rohtas in Sasaram (T) Tilauthu P S Case No. 148 of 2018.

7. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

Vikash/-

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