

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5257 of 2020

Arising Out of PS. Case No.-19 Year-2019 Thana- NAUBATPUR District- Patna

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ASHUTOSH KUMAR @ SANTOSH SINGH @ SANTOSH KUMAR Son
of Sri Jitendra Singh @ Jitendra Naryan @ Jitendra Narayan Sharma Resident
of Village- Chesi, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Sharma

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 07-07-2020 The matter has been taken up through virtual Court
proceeding.

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

The petitioner is languishing in jail since 8.8.2019 in a case
registered for the offences punishable under Sections
384,386,387,353 and 506 of the IPC. Hence, prayer for bail has
been made through the present application.

The prosecution case, as per the written report of Inspector
Keshav Kumar Majumdar, SHO, Naubatpur Police Station
submitted to the ACJM, Danapur, is to the effect that the
informant was instructed by his superior officers that on
3.1.2019 certain miscreants have demanded extortion of Rupees
Twenty Lacs from Pappu Kumar, the clerk of the proprietor M/s



Laxman Kumar which is constructing Punpun Security embankment whereupon on 11.1.2019, the informant made enquiry on 11.1.2019 and found that 40-50 persons had come and demanded extortion, leading to registration of the FIR against five accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion the petitioner has been roped in the present case. Even assuming the accusation to be true, since the payment of alleged extortion has not been made, no offence under Sections 384 or 386 of the IPC is made or and at best, offence under Section 385 of the IPC is made out, which is bailable. It is further submitted that the petitioner is accused in six other cases and he is on bail in all those cases, statement to that effect has been made in the supplementary affidavit which is on record. Co-accused Bharat Singh who is also named in the FIR, has been granted bail vide order dated 16.3.2020 passed in Cr. Misc. No. 73093 of 2019 by a Co-ordinate bench of this Court, as contained in Annexure 2.

Learned APP submits that the petitioner is named in the FIR and he is having criminal antecedent.

Considering the nature of accusation, the investigation already being concluded and the fact that similarly situated co-accused being granted bail by a Co-ordinate bench of this Court, coupled



with the period in custody, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ACJM II, Danapur in connection with Naubatpur P.S. Case No. 19 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM II, Danapur including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

In view of the criminal antecedent of the petitioner, the learned Court below will be at liberty to cancel the bail



bonds of the petitioner in case he defaults on three consecutive occasions.

This application is accordingly disposed of.

(Dinesh Kumar Singh, J)

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