

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20001 of 2020**

Arising Out of PS. Case No.-985 Year-2019 Thana- HAJIPUR District- Vaishali

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Ajay Kumar Yadav @ Banti S/O Late Devendra Prasad Yadav R/O - Minapur,
P.S. - Hajipur Nagar, Distt. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Akhileshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 30-06-2020 The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding is non-functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects the office will place the matter before the bench.

The petitioner has renewed the prayer for bail in a case registered for the offences punishable under Sections 384, 385 and 506 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.



The prosecution case, as per the written report of Vijay Kumar submitted to the Station House Officer, Hajipur Town P.S., is to the effect that on 30.10.2019 in between 8.18 P.M. to 8.27 P.M. in the night, the informant received three calls on his mobile phone from mobile no. 8406087870 by someone and the caller demanded extortion amount of Rs.Twenty five lakhs from the informant, leading to registration of the FIR.

Earlier the prayer for bail of the petitioner was rejected by Co-ordinate bench of this Court (since retired) vide order dated 27.02.2020 passed in Cr. Misc. No. 2409 of 2020 with liberty to the petitioner to renew his prayer for bail after framing of the charge. The relevant portion of the order reads as:-

“Considering the facts and circumstances, at this stage, I am not inclined to enlarge the petitioner on bail, however, once the charge is framed, petitioner will be at liberty to renew his prayer for bail.”

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no case under Section 384 IPC is made out against the petitioner and the charges have been framed against the petitioner on 07.03.2020. The petitioner is accused in one another case and petitioner is languishing in custody since 07.11.2019.



Learned APP for the State submits that the extortion was demanded by the petitioner.

Considering the fact that in pursuance to the extortion demand, no money was paid, hence, prima facie, the accusation under Section 384 IPC is not made against the petitioner and the liberty granted to the petitioner, 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 Judicial Magistrate, Ist Class, Vaishali at Hajipur in connection with Tr. No. 977 of 2020, arising out of Hajipur Town P.S. Case No. 985 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 upon 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, including one surety given at the time of provisional



bail, of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Vaishali at Hajipur in connection with Tr. No. 977 of 2020, arising out of Hajipur Town P.S. Case No. 985 of 2019.

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

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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