

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29452 of 2020

Arising Out of PS. Case No.-110 Year-2018 Thana- KOTWA District- East Champaran

YAMUNA RAM S/o Janak Ram Resident of Village-Kotwa, Baraharwa
Semra Tola, P.S.-Turkaulia, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-12-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

This application, for grant of anticipatory bail, arises
out of Kotwa Police Station Case No. 110 of 2018, disclosing
offences under Section 386 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the informant received a call on his mobile no.
9199736689 from mobile no. 7765970400, whereby the caller
demanded a sum of Rs. 5,00,000/-, as extortion money and also
threatened that if the amount would not be paid, the entire
family members would be killed. It has further been alleged that
the informant also received a message on his mobile number
from mobile no. 7482929408 demanding extortion money of Rs.



5,00,000/-.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of the confessional statement made by his younger brother, whose mobile phone has been detected by the police on the basis of CDR, and in the said confessional statement, the brother of the petitioner has accepted that he demanded the extortion money with the help of his brother (petitioner). He further submits that except the confessional statement of the brother of the petitioner, there is nothing on record to connect the petitioner in the commission of the alleged crime. He further submits that the petitioner has got no criminal antecedent.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that the petitioner has got no criminal antecedent, the brother of the petitioner was arrested on the basis of the CDR and the petitioner's name has transpired on the basis of the confessional statement of the younger brother of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his



arrest or surrender before the Court below within six weeks from today, 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 Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Kotwa Police Station Case No. 110 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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