

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70972 of 2019

Arising Out of PS. Case No.-138 Year-2016 Thana- RAXAUL District- East Champaran

Mukesh Pathak aged about 38 years (Male) Son of Lallan Pathak resident of
Village - Maruabad, P.S.- Mehsi, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Ms. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 31-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Raxaul P.S. Case No. 138
of 2016 registered for the offence under Sections 384, 385 and
387 of the Indian Penal Code.

The prosecution case is that the informant Rajeshwar
Kumar, proprietor of a poultry firm, received threatening
message on his mobile from a Nepali mobile no. 00977-
9806860781 to arrange Rupees Twenty lacs and the caller
further disclosed his name as Mukesh Pathak (petitioner).
Thereafter, again on 30-06-2016, the informant again received a
call on his mobile from a different mobile no. 7301140756 and
the caller disclosed his name as the right hand of Mukesh
Pathak and again demanded *rangdari*.

It is submitted on behalf of petitioner that petitioner is
innocent and has committed no offence and only his name has
been used in this case. It is further submitted that in this case, it



has come that Nepali mobile no. 00977-9806860781, from which *rangdari* was demanded, does not belong to petitioner, rather it was registered in the name of one co-accused Zamil Akhtar, who has already been granted bail by the court below itself. There is nothing specific against the petitioner and only on suspicion, the petitioner has been implicated in this case. Petitioner is in custody since 26-10-2018. Chargesheet has already been submitted and as such, there is no chance of tampering with the evidence.

Considering the aforesaid facts and circumstances, let the above named petitioner be enlarged 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 Sub Divisional Judicial Magistrate, Raxaul, District Motihari in connection with Raxaul P.S. Case No. 138 of 2016 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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