

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76245 of 2019**

Arising Out of PS. Case No.-16 Year-2019 Thana- MAHINDWARA District- Sitamarhi

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MUKESH SINGH @ BIKKI Son of Late Nawal Kishore Singh Resident of
Village - Manpur Jaua, P.S.- Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 22-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 384 and 385 of the I.P.C.

The prosecution case as per the written report of Nagmani
submitted before the S.H.O., Runnisaidpur Police Station is to
the effect that on 31.01.2019, someone called on the mobile



phone of the informant from mobile number 8873637151 and demanded extortion. The caller claimed himself as Prem Singh Tiger and he claimed that he is calling from the jail. In the circumstances, the FIR was lodged against the registered owner of the alleged mobile number. During investigation, it transpired that the mobile number from which, the extortion was demanded, was found registered in the name of the petitioner and when the call for extortion was made, the petitioner was languishing in custody in connection with Runnisaipur P.S. Case No. 23 of 2019.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, since no payment has been made, hence, no offence under Section 384 of the I.P.C is made out against the petitioner, and the accusation at best constitutes an offence under Section 385 of the I.P.C which is bailable. The petitioner is languishing in custody since 08.07.2019 and the investigation has already been concluded. It is further submitted that the petitioner is accused in four other cases, detailed in paragraph no.3 of the petition, but he is on bail in those cases, however, no statement to that effect has been made in the petition.

Learned APP for the State submits that the accusation



of demanding extortion is specific against the petitioner.

Considering the nature of accusation, the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of six months on furnishing one surety to the satisfaction of the learned CJM, Sitamarhi, in connection with Mahindwara P.S. Case No. 16 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 six months after getting a report from the concerned police station to the effect that the petitioner has not substantially involved in serious nature of crime, 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 CJM, Sitamarhi, in connection with Mahindwara P.S. Case No. 16 of 2019.



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

(Dinesh Kumar Singh, J)

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