

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15567 of 2021**

Arising Out of PS. Case No.-808 Year-2018 Thana- SITAMARHI District- Sitamarhi

RAKESH RAI @ RAKESH KUMAR Son of Suresh Ray Resident of Village
- R.D. Palace, Ward no.18, Indira Nagar, P.s. and Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Pratap

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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

3 16-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 385, 387 of the Indian Penal Code.

As per the prosecution case, on the alleged date of occurrence, the informant received a call from petitioner having mobile No. 9532912087 at 11.26AM for ransom of Rs. 30 lacs otherwise the informant will have to face dire consequences.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case due to previous incident. Petitioner is neither owner of mobile referred in the FIR from which ransom was demanded nor he has any connection with the aforesaid mobile. Petitioner is in custody since 26.09.2020.



Learned counsel appearing for the State opposes the prayer for bail and submitted that during the course of investigation the witnesses have supported the prosecution case. In paragraph 8 of the case diary the witness has stated that petitioner also demanded extortion from him. In paragraph 15 of the case diary a spy received the extortion call and audio tape was identified by brother of the petitioner and he said that voice is of this petitioner. It also transpired during the course of investigation that petitioner is having criminal antecedent and mobile No. is of Gorakhpur. It has also come during the course of investigation that on the date of occurrence two times conversation was made between the petitioner and the informant. It also transpired that one FIR was lodged against this petitioner in Gorakhpur as it was found that such type of crime and extortion is normal business of petitioner.

Considering the nature of allegation and gravity of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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