

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40495 of 2021**

Arising Out of PS. Case No.-193 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Masoom Khan @ Sabih Ahmad Khan S/o Late Wajeer Ahmad Khan R/o
village- Belbanwa, P.S.- Motihari Town, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. P.K.Shahi, Sr.Adv. Mr. Abhishek, Adv.
For the Informant	:	Mr. Y.V.Giri, Sr.Adv. Mr. Madhurendra Kumar, Adv.
For the State	:	Mr. Sumit Kumar Jha, Adv. Mr. Manoj Kumar, A.P.P.

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

6. 14-12-2021 Heard Sri P.K.Shahi, learned senior counsel assisted by Sri Abhishek, learned counsel for the petitioner, learned Addl. Public Prosecutor as well as Sri Y.V.Giri, learned senior counsel assisted by Sri Madhurendra Kumar, learned counsel for the informant.

2. The petitioner seeks bail in Turkauliya (Banjariya) P.S. Case No. 193 of 2021, G.R. Case No. 1538 of 2021, registered for the offence under Sections 341, 354(B), 386, 387 and 34 of the Indian Penal Code.

3. As per the First Information Report, while the informant was going to *Badhai Tola*, on way, four persons on two motorcycles intercepted her (informant) and in the name of



this petitioner, demanded Rs. 50,00,000/- (Fifty lacs), as extortion money, with threatening that if the aforesaid money is not paid within five days, the clinic of the informant will be exploded and her children would be kidnapped. The informant has further alleged that in the past also, this petitioner had attempted to attack the family members of the informant and this petitioner had also gone to jail in connection with cases of extortion within Turkauliya Police Station and Motihari Town P.S. Case No. 01 of 2018.

4. It is submitted on behalf of petitioner that from bare perusal of the F.I.R., it is apparent that petitioner neither demanded any extortion money nor he was present at the place of occurrence. As per F.I.R., the demand of extortion was made by other accused persons in the name of this petitioner.

5. It is further submitted that as a matter of fact, the informant was Ex-Zila Upadhyakash of J.D.U. Women Cell, East Champaran and she had applied for the ticket for M.L.A. constituency, but she could not succeed to get her ticket and she suspected that petitioner played a key-role in not allotting her ticket and due to that reason, a false case has been lodged against this petitioner. The petitioner is civil Engineer and Zila Upadhyaksh of J.D.U.



6. Further submission on behalf of petitioner is that in paragraph – 16 of the bail petition, it is stated that petitioner was made accused in Town Police Station Case No. 01 of 2018, but during course of supervision, the accusation against the petitioner was not found true, as at the relevant time, the petitioner was in abroad. This fact has also come in paragraph 38 and 40 of the case diary. So far as Town P.S. Case No. 95 of 2017 is concerned, petitioner has already been discharged from the trial court, vide Trial No. 3815 of 2019, and as such, no case is pending against the petitioner at present. Petitioner is in custody since 21.04.2021. Chargesheet has already been submitted.

7. Learned senior counsel for the informant has vehemently opposed the bail petition and submitted that petitioner has tried to conceal the material fact inasmuch as in paragraph – 3 of the petition, it is stated that petitioner has no criminal antecedent at all. As a matter of fact, petitioner was accused in two more cases i.e. Motihari Town P.S. Case No. 01 of 2018 and Motihari Town P.S. Case No. 95 of 2017. He further submits that in past also, petitioner used to harass the informant by use of whatsapp call/ internet call and for which, the informant had made several complaints against the



petitioner.

8. However, taking into consideration the nature of accusation, period of custody and the fact that chargesheet has already been submitted, the bail petition of petitioner is allowed.

9. Let the above named petitioner 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, Motihari, East Champaran in connection with Tirkaulia P.S. Case No. 193 of 2021, G.R. Case No. 1538 of 2021, with condition that *the petitioner will not leave the country without prior permission of the court below.*

(Prabhat Kumar Singh, J.)

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