

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2218 of 2021

Arising Out of PS. Case No.-313 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Mithilesh Singh @ Mithilesh Kumar Singh aged about 32 years, (Male) son
Late Awadhesh Singh, Resident of village- Nawada Police Station- Saraiya
(O.P. Jaitpur) District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

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Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi, Advocate
For the State : Mr. Md. Nazir Ansari APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 14-07-2021 In view of the sudden resurgence of Covid-19 infection,
there is limited functioning of the High Court and, therefore, the
matter has been listed today for consideration through virtual
mode.

2 Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

3. Heard learned counsel for the petitioner and learned
counsel for the State.

4. The petitioner seeks bail in Muzaffarpur Town PS Case
No. 313 of 2020 instituted for the offence under Sections
386,387 and 120B/34 of the Indian Penal Code.

5. The case of the informant is that he was on inimical
terms with one Hemant Kumar and on instigation by the said
Hemant Kumar petitioner along with two others have indulged
in threatening the informant by making a call to his wife and
also firing upon the informant and his family members



repeatedly to extort some money.

6. The learned counsel for the petitioner submits that falsity of the allegation is evident from the fact that FIR has not been lodged by the informant's wife though it is alleged that she has received a threatening call. Based on past enmity the informant has repeatedly lodged similar cases against the petitioner. Altogether six cases have been lodged either by the informant, his wife, or by setting up some one. Surprising consistency in the cases is that there is alleged firing by accused persons but no gun shot injury has been sustained by anyone. It is further submitted that the petitioner has been in custody since 03.07.2020 based on such false allegation. The cases hinges on the call made by the accused persons on phone of the informant's wife. In this regard, the Deputy Superintendent of Police gave clear instruction to examine the Call Details Report. However, no such examination has been done in the investigation. The petitioner is stated to be accused in other cases, as per details contained in paragraph no.3 of the bail petition as well as supplementary affidavit filed. In one of the cases lodged at the instance of the same informant, namely, Muzaffarpur Sadar PS Case No. 285 of 2020 he has already been allowed bail. Copy of the order passed in Cr. Misc. No. 40791 of 2020 has been forwarded to the Court through electronic mode.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, 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 the learned CJM Muzaffarpur, in



connection with Muzaffarpur Town PS Case No. 313 of 2020
subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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