

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4293 of 2021**

Arising Out of PS. Case No.-70 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

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SANJEEV KUMAR @ SANJIV KUMAR Son of Ram Janam Sah Resident
of Village-Madhaypur P.S.-Siwaipatti, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 16.09.2020 in connection with Siwaipatti P.S. Case No. 70/20 registered for the offences punishable under Sections 384/386 of the Indian Penal Code.

As per the prosecution case, 30.04.2020 and on 15.06.2020, the informant received multiple extortion calls on his mobile phone from numbers 8292188024 and 8298149225 and on the aforesaid complaint, an FIR was registered.

It is submitted on behalf of the petitioner that after investigation police submitted chargesheet against this petitioner and other accused persons. It is further submitted that during the course of investigation, the petitioner has been made accused in



this case only on the basis of suspicion. It is submitted that petitioner is neither the owner nor the aforesaid numbers have been registered in his name. Petitioner has got no concern with the alleged mobile number. It is next submitted that no case under Section 384 and 386 of the IPC is made out because the property has not been delivered and, therefore, Section 385 IPC is made out which is a bailable offence triable by the court of Judicial Magistrate, 1st class. Petitioner has been remanded in this case on 16.09.2020. Chargesheet has already been submitted in this case.

Considering the aforesaid facts and circumstances and the fact that the alleged mobile numbers are not registered in the name of this petitioner and pursuant to the call of extortion, no property was delivered and chargesheet has already been submitted in this case, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Judicial Magistrate, 1st class, Muzaffarpur, in connection with Siwaipatti P.S. Case No. 70/20, subject to following conditions:-

- (1) Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers 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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