

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6126 of 2021

Arising Out of PS. Case No.-385 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SANTOSH KUMAR Son of Ram Chandra Sah Resident of Village -
Basudevpur, P.S.- Mufassil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Adv.
For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Mufassil P.S.
Case No.385 of 2020, registered for the offence punishable
under Section 436 IPC. Subsequently sections 387, 506,
120(b)/34 of the IPC has been added.

The prosecution case in short is that someone had set fire
in the house of the informant, due to which one four wheeler
and one two wheeler vehicle standing there also burnt to ashes.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. He has been falsely implicated in this
case. He is not named in the FIR nor apprehended on the spot.



In course of investigation on the basis of unscientific voice clip of this petitioner, he has been roped in this case. It has been reported to the Investigation Officer that Kanchan Kumar, Anupam Mishra and this petitioner along with others have committed the aforesaid crime. In course of investigation the I.O. found that call was made to the informant over his mobile and the no. from which the informant received the call stands in the name of one Bindu Loni of Rajasthan. The informant alleged that the voice, was of the petitioner and hence the petitioner has been made accused in the present case. It is further submitted that the petitioner has no concern with the said mobile number. No incriminating article has been recovered from the conscious physical possession of the petitioner. Similarly situated co-accused namely Anupam Kumar Mishra @ Raja Mishra @ Anupam Mishra has been granted bail vide order dated 05.03.2021 passed in Cr. Misc. No.38062 of 2020. The petitioner has no criminal antecedent and has been languishing in custody since 23.09.2020.

Learned APP for the State opposed the prayer for bail by submitting that a threat call from the said mobile no. was received to the informant after the alleged incident in which Rs.5 lakh as extortion was demanded. Para-41 of the case diary



shows that a conversation took place between the petitioner and co-accused regarding demand of Rs. 5 Lakh as extortion. From the case diary, it appears that the informant and the witnesses examined during the investigation have fully identified the voice of the petitioner in the voice clip and the same has been forwarded to the CFSL for examination of the voice and the report is awaited.

Considering the facts and circumstances of this case, since the similarly situated co-accused has been granted bail and the petitioner has undergone custody of more than ten months, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Mufassil P.S. Case No.385/2020.

(Anjani Kumar Sharan, J)

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