

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13728 of 2022

Arising Out of PS. Case No.-481 Year-2021 Thana- SITAMARHI District- Sitamarhi

AMAN KUMAR Son of Shivjee Shah Resident of Village - Janki Sthan,
Mandal Nagar Ward no.5, P.s.- Sitamarhi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 481 of 2021 registered for the offences
punishable under Sections 385 and 387 of the Indian Penal
Code.

As per prosecution case, informant received mobile
call from mobile no. 8112671062 on his mobile by which caller
demanded ten lacs rupees from him and gave threat to kill him
and his family members if demand will not fulfilled.

Learned counsel for the petitioner submits that
petitioner is in custody since 02.08.2021. Petitioner bears



criminal antecedent of one case. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. Name of petitioner sprang up on the basis of self confessional statement of the petitioner during the investigation. It has further been submitted that co-accused Ravi Kumar apprehended with loaded fire arm and mobile phone in Sitamarhi P.S. Case No. 491 of 2021 registered under Section 414/34 of Indian Penal Code and Section 25(1-b)a/26 of the Arms Act, accordingly, police recorded the confessional statement of petitioner in which the petitioner confessed his guilt regarding involvement in the present case. Learned counsel further submits that demand was made from the mobile bearing no. 8112671062 issued in the name of one Md. Aslam Khan. The mobile in question does not belong to the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., nature of allegation charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, and also taking into consideration



the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 481 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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