

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14271 of 2022**

Arising Out of PS. Case No.-342 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

BANTI KUMAR PANDEY SON OF SURENDRA PANDEY R/O
VILLAGE- BELWA BRIT, P.O.- KHAJURI, P.S.- SASAMUSA, DISTRICT-
GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Upadhyay

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

3 01-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offence punishable under Section 387 of the Indian Penal Code.

As per allegation an extortion demand of Rs 10 lakh was
made from the informant through mobile communication and the
informant was threatened by the accused persons and some days
before the alleged occurrence, an incident of firing took place at the
shop of the informant.

The main submissions advanced by Sri Dhananjay Kumar
Upadhyay, the learned counsel appearing for the petitioner are that
FIR of this case was lodged after delay of 24 days from the alleged
commission of the occurrence and the said delay has not been



explained, petitioner is not named in the FIR, alleged offence under section 387 IPC is not made out as delivery of any type of property was not made for complying with alleged extortion demand, petitioner's name surfaced mainly on the basis of confessional statement of co-accused. Further submission is that petitioner has been languishing in jail since 25.10.2021 and similarly situated co-accused Sumant Kumar has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 18274 of 2020.

Sri Sanjay Kumar Tiwary, learned APP appearing for the State has opposed the prayer for bail.

In view of the above submissions and mainly considering petitioner's custody period and also taking into account privilege of bail having been granted to co-accused person by a coordinate bench of this court vide order passed in the above mentioned miscellaneous case and there is no allegation of delivery of money which was demanded by the petitioner and co-accused persons and in respect of alleged extortion demand, prosecution's case is mainly based upon electronic evidence, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the 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 the Addl. Chief Judicial Magistrate VII, Gopalganj in Kuchikot P.S Case No. 342 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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