

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14933 of 2022

Arising Out of PS. Case No.-110 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Dilwar Hussein S/o Abdul Kadir R/o village- Legi Bori, Post- Sahuri Gauw,
P.S.- Moryawari, District- Meri Gauw, State- Assam

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Vandana, Advocate
For the State : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-11-2022 The present bail petition has been listed out of turn, as it has been prayed that mother of the petitioner is facing last stage of cancer.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Musrigharari P.S. Case No. 110 of 2021 registered for the offence under Sections 385 and 387 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 14.10.2021.

The allegation against the petitioner is to ask for extortion of cash of Rs.5 Lakh by putting the informant in fear



of death.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and his name surfaced in this case on the basis of confessional statement of co-accused, namely, Rajesh Pal. It is submitted that in furtherance of the said confessional statement, nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence. It is further submitted that the mobile number, which is alleged to be used for the purpose of asking ransom, is also not belongs to the petitioner. It is also submitted that the antecedent of the petitioner, prior to lodging of this case, was clean, whereas subsequent to that, petitioner was named in three more criminal cases of similar nature and in all those cases, name of the petitioner surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned



above, as nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of allegation in the background that mobile number does not belongs to the petitioner coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Musrigharari P.S. Case No. 110 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Samastipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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