

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18872 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Chuman Prasad, aged about 46 years, gender-Male, son of Late Rmashish Prasad, resident of village- Dhekaha Fakeera Tola, P.S – Muffasil, District – East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Dashrath Mehta
Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Muffasil

P.S. Case No. 274 of 2021, registered for the offences

punishable under Sections 384, 387, 120B and 506 of the

Indian Penal Code.

As per allegation, the informant, namely,

Devanand Sah, received threatening calls for extortion of an

amount of Rs. 10,00,000/- and on non-fulfillment of the

same, he was threatened to be killed.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He also submits that the petitioner is not named in the F.I.R. and his name has emerged from the confessional statement of the co-accused. He further submits that from bare perusal of the F.I.R., it is clear that the petitioner was not the person who was giving threatening call to the informant. He also submits that the petitioner has been languishing in jail since 20.01.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in four cases, namely, Muffasil P.S. Case No. 476 of 2020, Muffasil P.S. Case No. 278 of 2021, Muffasil P.S. Case No. 272 of 2021 and Muffasil P.S. Case No. 273 of 2021.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari in connection with Muffasil P.S. Case No. 274 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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