

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22548 of 2022

Arising Out of PS. Case No.-185 Year-2019 Thana- HATHUA District- Gopalganj

Shambhu Singh Son of Baliram Singh Resident of Village - Balahata, P.s.-
Uchkagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 19-10-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Hathua P.S. Case No. 185 of 2019 registered for the offences
punishable under Sections 387, 120(B) and 34 of the Indian
Penal Code.

As per the allegation, one person posing himself as
Vishal Singh Kushwaha made a phone call on the mobile phone
of the brother of the informant and the said person who is a co-
accused in this case made an extortion demand of five lac
rupees from the informant and threatened to kill the brother of
the informant if that demand was not fulfilled.



The main submissions advanced by the learned counsel Mr. Vyas Kumar Mishra appearing for the petitioner are that the petitioner is not named in the FIR, against him there is no material and evidence in the whole case diary and as per the prosecution the petitioner was seen along with the co-accused Vishal Singh Kushwaha, owing to that reason he was made accused in the instant matter and the said ground is not sufficient to make one an accused in a crime and moreover the mobile number which was used in making the phone call for extortion demand was found in the name of some other person.

Learned APP Ms. Madhuri Lata appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and case diary. Though the petitioner has criminal antecedent of several cases as per the paragraph No.3 of this petition but the prosecution has not drawn the attention of this Court to any cogent and reliable evidence in the case diary to show the involvement of the petitioner in the alleged crime and simply on the basis of criminal antecedents of the petitioner as well as his relation with co-accused, he has been made accused in the instant matter and moreover the petitioner is not named in the FIR and he has been languishing in jail since 01.02.2020.



Considering these facts as well as petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, 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 concerned Court in connection with Hathua P.S. Case No. 185 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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