

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33019 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- RAXAUL District- East Champaran

RAM PRASAD S/o Surya Prasad R/o village- Ghamhariya, P.S.- Raxaul,
District- East Champaran, Permanent address- Village and P.O.- Dela, P.S.-
Purwa, District- Unnao, State- Utter Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore @ Kundan Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-09-2022 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 Raxaul P.S Case No. 361 of
2021 registered for the offences punishable under Sections 419, 420,
385, 387, 120B/34 of the Indian Penal Code and sections 66C, 67 of
IT Act.

Allegedly, petitioner threatened one namely, Dinesh
Prasad through mobile phone communication posing himself as S.P.,
Motihari and from the possession of the petitioner, alleged mobile
phone used in the crime was recovered.

The main submissions advanced by Sri Kundan Rathore
@ Kundan Kumar, the learned counsel appearing for the petitioner
are that main accused of this case is Ritesh Singh who died during
the pendency of investigation and one co-accused Mohmad Imran



carrying similar nature of allegation has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 4366 of 2022 and against the petitioner there is criminal antecedent of one case and he has been languishing in jail since 16.9.2021, It is further submitted that in following of extortion demand, any money or property was not delivered by the victim to the accused persons.

Sri Akhileshwar Dayal, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and considering the period of custody and privilege of bail to co-accused Mohmad Imran vide order passed in the aforementioned criminal miscellaneous petition and in this case no money or property was delivered to the accused persons by the victim. 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 Sub divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in Raxaul P.S Case No. 361 of 2021 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.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Palanawa P.S Case No. 142 of 2021 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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