

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43405 of 2021

Arising Out of PS. Case No.-161 Year-2020 Thana- TILAUTHU District- Rohtas

CHHOTU YADAV Son of Shiv Lakhan Yadav Resident of Village - Banda,
P.S.- Nauhatta, District - Rohtas.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-02-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

The petitioner seeks regular bail in connection with Tilauthu P.S. Case No. 161/2020, registered for the offence punishable under Sections 387, 506, 120(B)/34 of the Indian Penal Code and Sections 14, 16, 18, 20, 40 of the U.A.P.A. Act, 1967.

The case of the prosecution in brief is that



the informant, who is the Project Manager of a company, which is engaged in carrying out the construction work of a road situated at Tilauthu, has alleged that on 23.11.2020 at about 8:30 pm., 12-15 unknown miscreants had arrived at his camp situated at village Levda P.S. Tilauthu, District-Rohtas and appeared to be belonging to the Naxal group MCC, whereafter they had threatened that they would not permit the work to be done by the company unless and until extortion money was paid. Subsequently, on 24.11.2020, a call is alleged to have been received by the supervisor of the informant on his mobile phone and extortion money was demanded. Subsequently also, extortion calls are alleged to have been made.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 16.12.2020. The learned counsel for the petitioner has further submitted



that the petitioner is not named in the FIR, no Test Identification Parade has been held so as to connect the petitioner with the alleged crime and moreover, no incriminating articles have been recovered either from the conscious possession of the petitioner or from his house. It is further submitted that there is no evidence whatsoever on record to connect the petitioner with the alleged occurrence and merely on the statement of the witnesses regarding presence of the petitioner with the members of the outlawed group, the petitioner has been falsely implicated in the present case. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court vide orders dated 9.8.2021 and 10.8.2021 passed in Criminal Miscellaneous No. 28706 of 2021 and Criminal Miscellaneous No. 28788 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by coordinate Benches of this Court, apart from the fact that the petitioner is having a clean antecedent and he is not named in the FIR, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Dehri-on-Sone in connection with Tilauthu P.S. Case No. 161/2020.

(Mohit Kumar Shah, J)

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