

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35698 of 2022**

Arising Out of PS. Case No.-496 Year-2021 Thana- BASANTPUR District- Siwan

YAKUB KHAN SON OF SALEH IMAM KHAN RESIDENT OF
VILLAGE- SHEIKHPURA, P.S.- BASANTPUR, DISTRICT- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan

For the Opposite Party/s : Mr.Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 19-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Basantpur P.S. Case No. 496 of 2021 registered for the offences punishable under Sections 385, 386, 387 of the Indian Penal Code.

Briefly stated fact of the prosecution case is that the informant has stated that on 09.11.2021 at about 4:30 PM, through mobile no. 7360816197 a call was received on his father's mobile no. 7764971999 regarding illegal demand of rupees ten lacs. Again on 13.11.2021 same demand was made through the same mobile number and threat was also given to



kill the whole family and to make loot in the jewellery shop of informant. It is alleged that ransom call was made by Yakub who is present petitioner. It is also alleged that due to call of ransom family of informant was under fear.

Learned counsel for the petitioner submits that petitioner is in custody since 01.02.2022 and bears criminal antecedent of three cases in which one case is of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that allegation levelled against the petitioner is false, fabricated and absurd. He further submits that extortion money was demanded on 09.11.2021 and 13.11.2021 but in between neither any complaint was filed nor any information was given to police and the FIR was lodged on 13.11.2021. It is clear from the aforesaid fact that extortion money was demanded on 09.11.2021 but till 12.11.2021 no FIR or sanha was given which creates doubt about the whole prosecution story.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nature of allegation, charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 496 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall state through affidavit at the time of furnishing bail bond regarding criminal history as stated in para-3 of the bail petition and if it is found untrue, his bail



bond is liable to be cancelled by the court below itself.

(v) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(vi) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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