

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35107 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Vishal Kumar @ Vishal Kumar Singh, aged about 21 years, son of Vijay Kumar Singh, Resident of village – Loksa, Police Station – Motihari Muffasil, District – East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38653 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Vishnu Kumar Das, aged about 22 years, Male, Son of Tapendra Kumar Das, resident of village – Mathiya Zirat, Bangali Tola, P.S. - Chhatauni, District – East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 35107 of 2022)

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 38653 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 28-09-2022 As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being decided together by a common order.

The learned counsels for the petitioners are directed to remove all the defects pointed out by the Stamp Reporter



within one month.

Heard learned counsels for the petitioners and the learned APPs for the State.

Petitioners seek regular bail in connection with Motihari Town P.S. Case No.164 of 2021 registered for the offences punishable under Sections 384, 386 and 387 read with Section 34 of the Indian Penal Code.

As per the allegation, the informant's father received an extortion call on his mobile phone demanding Rs.10 lacs and on non-fulfillment of the said demand the informant was threatened to be killed.

The main submissions advanced by the learned counsel Mr. Manoj Kumar Singh appearing for the petitioner Mr. Vishal Kumar @ Vishal Kumar Singh are that the petitioner had no concern with the SIM number by which the alleged extortion demand was made, in fact on 11th March, 2021 some police personnel forcefully entered into the house of the petitioner and took his signature on a blank paper which was later used in the instant case, regarding that incident the father of the petitioner filed Complaint Case No. 626 of 2021 and the investigation has been completed in the present matter and the petitioner has been languishing in jail since 09.04.2021 and



there is criminal antecedent of two cases against him in which he is on bail. Further submission is that no money was given by the informant in relation to the alleged extortion demand and the alleged matter relates to simply making of extortion demand.

The main submissions advanced by learned counsel Mr. Sanjeev Kumar appearing for the petitioner Mr. Vishnu Kumar Das are that the petitioner has been languishing in jail since 07.04.2021 and against him there is criminal antecedent of one case in which he is on bail and his name transpired in the instant case from the statement of co-accused Vishal Kumar given before the police and except the said confessional statement there is no any other material against the petitioner to connect him to the alleged extortion demand and after his arrest any incriminating material was not recovered from the possession of this petitioner.

Learned APPs Mr. Brajendra Nath Pandey and Mr. Umeshanand Pandit appearing for the State have opposed the bail prayer.

In view of the above submissions and mainly considering the petitioners' custody period and also the fact that in furtherance of alleged extortion demand, any money or property was not delivered by the informant to the accused



persons and petitioners are not named in the FIR and they have been made accused in the instant matter mainly on the basis of the mobile number which was used in making the alleged extortion demand, in the opinion of this Court a lenient approach can be taken in respect of the petitioners’ prayer, let both the petitioners’ 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 Motihari Town P.S. Case No. 164 of 2021.

(Shailendra Singh, J.)

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