

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50175 of 2021**

Arising Out of PS. Case No.-564 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

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ASHOK PANDAY @ ASHOK PANDEY Son of Ganesh Pandey Resident of
Village- Pararia, P.S.- Siwan Mufassil, District- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-01-2022 At the outset, the learned counsel for the petitioner seeks to correct a typographical error which has crept in paragraph no.1 of the present petition to the effect that the case in question has been wrongly typed as NDPS Case No. 24 of 2020 arising out of Siwan Mufassil (Dhanauti) P.S. Case No. 564 of 2020, whereas the same should only be “Siwan Mufassil (Dhanauti) P.S. Case No. 564 of 2020”.

Accordingly, it is directed that in paragraph no. 1 of the present petition, the case number shall be read as Siwan Mufassil (Dhanauti) P.S. Case No. 564 of 2020.

The petitioner seeks regular bail in connection with Siwan Mufassil (Dhanauti) P.S. Case No. 564 of



2020, registered for the offence punishable under sections 387 and 506 of the Indian Penal Code.

The allegation is regarding the informant having given a written report to the Officer-in-Charge of Dhanauli (O.P.) alleging that his mobile hand set was lost on 07.12.2000 at 4 P.M. near Saha More, Salempur. It has been further alleged in the FIR that unknown miscreants had thereafter called the informant on his mobile phone and had demanded a ransom amount to the tune of Rs. 2 lakhs. The petitioner is stated to have been arrested subsequently from a petrol pump along with the co-accused person namely Ramanand Yadav and from the said co-accused person namely Ramanand Yadav, it is alleged that the mobile phone used for demanding extortion money was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 20.04.2021. The learned counsel for the petitioner has further submitted that only one other criminal case at the moment is pending against the petitioner and that too is of the year 2000, hence, virtually since past 21 years, the petitioner is having a fair antecedent. It is further submitted that



the petitioner has been falsely implicated in the present case and role, if any, in the alleged crime might be that of the co-accused person Ramanand Yadav, in as much as the mobile phone, which was used for making ransom call, has been recovered from him. It is further submitted that as far as the petitioner is concerned, neither he has been alleged to have made ransom call nor the mobile used for making ransom call has been recovered from his conscious possession.

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 parties and taking into account the materials available on record as also considering the fact that neither the petitioner is stated to have made ransom call nor the mobile used for making ransom call has been recovered from the petitioner and moreover, it has been stated that since past 20-21 years the petitioner is having a fair antecedent, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount



each to the satisfaction of the learned Court of Chief
Judicial Magistrate, Siwan in connection with Siwan
Mufassil P.S. Case No. 564 of 2020.

(Mohit Kumar Shah, J)

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