

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45704 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Nandan Sahani @ Nandan Kumar Sahani Son Of Bir Bahadur Sahani R/O
Village- Badkurawa, P.S.- Kota, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with
Muffasil Mothihari P.S. Case No. 274 of 2021 registered for the
offences punishable under Sections 384, 387, 120B and 506 of
the Indian Penal Code.

As per the prosecution, the informant received a
phone call regarding extortion of Rs.10 lacs and the caller
disclosed his name as Rahul Sahani and threatened to kill the
informant.



The main submissions advanced by the learned counsel Mr. Anil Kumar appearing for the petitioner are that against the petitioner there is criminal antecedent of four cases in which he is on bail in one case and the FIR was lodged against the caller of mobile phone No. 8092490769 who claimed himself to be Rahul Sahani but the petitioner has no concern with the said caller as well as the the SIM and mobile phone used in the alleged demand of extortion and during the course of investigation the petitioner was made accused only on the basis of statement of co-accused Rahul Sahani who revealed the name of this petitioner due to dirty local politics and dispute and except the said confessional statement there is no any other material against the petitioner to connect him to the alleged extortion demand. Further submission is that in following with the alleged extortion demand the money so demanded was not paid by the informant, accordingly the alleged offence of Section 384 of IPC is not made out.

Learned APP Mr. Dinesh Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order of learned Court below. The petitioner is not named in the FIR and he has taken the plea that he has no concern with the



alleged SIM number and mobile phone which were allegedly used in making the extortion demand from the informant. The order of learned Court below goes to show that the petitioner's name surfaced in the alleged crime in the statement of co-accused and the Court below also placed reliance upon the said statement while rejecting the petitioner's prayer and against the petitioner the investigation has been completed as it appears from the order of learned Court below and admittedly the money so demanded was not paid by the informant. Considering all these facts as well as above submissions, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, 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 concerned Court in connection with Muffasil Mothihari P.S. Case No. 274 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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