

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46051 of 2022

Arising Out of PS. Case No.-397 Year-2019 Thana- AMARPUR District- Banka

Hira Yadav, Son of Nandlal Yadav, Resident of Village - Barakola, Police Station - Jaipur, District - Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-11-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the father of the petitioner has died on 05.11.2022.

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

Let the defect(s), if any, as pointed out by the office be removed within four weeks from today.

In the present case, the petitioner seeks bail in connection with Amarpur (Fullidumar) P.S. Case No. 397 of 2019, registered for the alleged offences under Sections 385, 387 of the Indian Penal Code and Sections 13, 17 of U.A.P. Act.

As per prosecution case, the informant received calls demanding Rs. 20 lacs as extortion money from two mobile



numbers. During investigation, the name of the petitioner surfaced as one of the miscreants involved in the demand of extortion money from the informant.

The learned counsel for the petitioner submits that the mobile numbers from which the extortion money was made do not belong to this petitioner. The petitioner has been named in this case on the basis of confessional statement of co-accused Bajrangi Yadav, who has been granted bail by the learned court below itself. Another co-accused Sattan Yadav @ Anil Yadav, who has also been named by co-accused Bajrangi Yadav in his confessional statement, has also been granted bail by a Coordinate Bench of this Court vide order dated 01.09.2022 passed in Cr. Misc. No. 31429 of 2022. The learned counsel further submits that from the facts of the case, no offence under Sections 13 and 17 of U.A.P.A. Act is made out against the petitioner. Further, no offence under Section 387 IPC is also made out in the given facts of the case. The petitioner is in custody since 29.06.2022 and is having clean antecedent. The charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made here-in-above and considering the lack of



substantive material against the petitioner to connect him with the offence as alleged and further considering the period of custody of the petitioner along with submission of charge sheet as well as his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur (Fullidumar) P.S. Case No. 397 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

However, at the time of furnishing bail bond, the death certificate of the father of the petitioner issued by the competent authority will be produced before the learned trial



court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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