

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63765 of 2021

Arising Out of PS. Case No.-161 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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DABALOO KUMAR @ BABALOO KUMAR Son of Ram Shankar Singh
Resident of Village - Bankatwa, P.S.- Sugauli, Distt.- East Champaran at
Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-05-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 07.04.2021, seeks
regular bail in connection with S. Tr. No. 1081 of 2021 arising
out of Motihari Town P.S. Case No. 161 of 2021 registered for
offences punishable under Sections 385 and 387 of the Indian
Penal Code.

Prosecution story in brief is that informant had
received a phone call on 04.03.2021 on his registered mobile
No. 9801931999 from mobile No. 9523465849 and a demand of



Rs. 15 lacs was made. The accused had put the informant in fear of death if the said demand is not met.

Learned counsel appearing on behalf of the petitioner submits that so far as the present petitioner is concerned, the mobile no. from which extortion call was made belongs to one Ramashish Mahto. The only material which has been collected against the petitioner by the I.O. is the confessional statement of one co-accused Bittu Singh which was recorded in Sugauli P.S. Case No. 131 of 2021 against the petitioner. Petitioner is in custody since 07.04.2021 without any fault and as such the petitioner may be released on bail on such terms and conditions as imposed by this Court.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and upon perusal of the allegation made in the F.I.R., it appears that call of extortion was made on the registered mobile no. 9801931999 of the informant from mobile no. 9523465849. Petitioner has denied to have made call and in this regard, he has stated in paragraph no. 11 of the bail application that the said mobile no. belongs to co-accused Ramashish Mahto. The name of the petitioner has surfaced in



the present case on the basis of confessional statement of one co-accused Bittu Singh which was recorded in Sugauli P.S. Case No. 131 of 2021 and such confessional statement made in police custody has no evidentiary value in the eye of law. Prima facie petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with S. Tr. No. 1081 of 2021 arising out of Motihari Town P.S. Case No. 161 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall



take steps to cancel his bail bond.

(Purnendu Singh, J)

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