

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64865 of 2021**

Arising Out of PS. Case No.-102 Year-2021 Thana- SUGAULI District- East Champaran

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

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      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 27.07.2021, seeks  
regular bail in connection with Sugauli P.S. Case No. 102 of  
2021 registered for offences punishable under Sections 385,  
387, 307, 506 of the Indian Penal Code and Section 27 of the  
Arms Act.

Prosecution story in brief is that informant Surendra  
Sah has made allegation that he had received an extortion call  
from mobile no. 9523465849 on his registered mobile no.



9709948383 to make payment of Rs. 10,000/- before 08.03.2021 and, thereafter, threatening was also made to the informant regarding if money is not paid, he will be put to death.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has not committed the said offence as alleged in the F.I.R. The mobile no. from which the informant had received threatening call for payment of ransom amount belongs to one Ramashish Mahto and the name of the petitioner has surfaced on the basis of confessional statement made by one Bittu Singh which has no evidentiary value in the eye of law. Petitioner is in custody since 27.07.2021. He has made a specific submission that though in all the cases which are registered against him as mentioned in paragraph no.3 of the bail application, one cannot arrive at the conclusion that petitioner is the member of the gang which is involved in extortion of money in absence of any material collected against him to connect the present petitioner with the other co-accused persons.

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

Having heard the rival submissions of the parties,



from perusal of the FIR it appears that prima facie allegation of extortion has been made against the owner of registered mobile phone no. 9523465849. Petitioner has made a specific statement that the said mobile no. belongs to some other accused person. In absence of any ingredient of Section 385 and 387, 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 Sugauli P.S. Case No. 102 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)**

Niraj/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

