

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.55212 of 2022**

Arising Out of PS. Case No.-155 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Rakesh Yadav @ Rakesh Kumar Son of Babulal Yadav @ Babulal Rai @
Babulal Ray Resident of Village - Baltharwa, P.O. and P.s.- Pipra Kothi,
Distt.- East Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Heard learned counsel for the petitioner and Mr. Zainul
Abedin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Piprakothi P.S. Case No.155/2022 registered for the offences punishable under Sections 386 and 387 of the Indian Penal Code. He is in custody since 14.07.2022. He has got two criminal antecedents and in both the cases he is said to be on bail.

Learned counsel for the petitioner submits that as per the prosecution story, the informant alleged that earlier on 22.05.2022 at 9.41 PM firing was done in connection with which he had already submitted an application. It is alleged that on 25.05.2022 at about 10.22 PM he received a call on his mobile No. 9576069273 by which extortion money of Rs.25 lacs was demanded. It is alleged that the person who was making the call



has disclosed his name as Rakesh Yadav.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the informant runs a shop in a mall and deals in clothes from where this petitioner had purchased some clothes on credit and there was some dispute on account of the demand for the outstanding amount by the informant. He further submits that this stage the petitioner and the informant have entered into a compromise vide Annexure-2 to the application.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the informant runs a shop in a mall and deals in clothes from where this petitioner had purchased some clothes on credit and there was some dispute on account of the demand for the outstanding amount by the informant, at this stage the petitioner and the informant have entered into a compromise vide Annexure-2 to the application, the petitioner is in custody since 14.07.2022, investigation against him is complete, in the two cases stated in paragraph '3' of the application he is said to be on bail, there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with



the course of trial or that his presence cannot be secured in course of trial, hence, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Motihari, East Champaran in connection with Piprakothi P.S. Case No.155 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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