

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71364 of 2021**

Arising Out of PS. Case No.-94 Year-2013 Thana- DUMRA District- Sitamarhi

RAKESH RAI @ RAKESH KUMAR @ RAKESH KUMAR YADAV S/o-  
Suresh Rai @ Suresh Yadav Resident of Village - R.D Palesh Indira Nagar,  
Sitamarhi, P.S. - Sitamarhi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      26-04-2022                      Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for  
the offence punishable under Section 385/387 of the Indian  
Penal Code.

As per the prosecution case, on 24.04.2013 the  
informant received a call from mobile No. 8873907308 and the  
callers claimed themselves as Rakesh, this petitioner, and and  
Saroj and they demanded ransom of Rs. 10 lacs from the  
informant and threatened to kill him if the ransom is not paid  
within five days.

Learned counsel appearing for the petitioner submits  
that petitioner is innocent and has falsely been implicated in the  
case only on suspicion. It is submitted that petitioner is not the



owner of mobile and SIM No. 8873907308 rather the same was registered in the name of co-accused, Bikram Tiwary and Saroj Kumar. Similarly situated accused Bikram Tiwary has already been granted bail by a co-ordinate Bench of this court vide order dated 17.04.2018 passed in Cr. Misc. No. 7599/2018. Petitioner is in custody since 17.12.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that case of petitioner is distinct and distinguishable from the case of co-accused, Bikram Tiwary on facts. The mobile which was used in the alleged offence was found to be registered in the name of this petitioner. Petitioner has got criminal antecedent and 16 cases of similar nature are pending against him.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

**(Prabhat Kumar Singh, J)**

BKS/-

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