

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17756 of 2023

Arising Out of PS. Case No.-812 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Manoj Giri, S/o Devnandan Giri, Resident of village-Shyam Bakhri, P.S.-
Dhaka, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 17-05-2023 The applicant/accused in Crime No. 812 of 2022

registered with Motihari Town Police Station for the offence
punishable under Section 387 of the Indian Penal Code, by this
application is seeking his release on bail during pendency of the
trial.

2. The learned counsel appearing for the
applicant/accused argued that the applicant is not a person who
made telephonic call either to the First Informant or his
employees. According to the prosecution case, his phone was
used as one of the phone from which a call for demanding
extortion was made by a person named as Golden. The
investigation of the subject crime is over and the applicant is
not having any identical incident.



3. The learned Additional Public Prosecutor opposed the application.

4. I have considered the submissions so advanced and also perused the material placed on record.

5. The FIR is lodged by Ajay Kumar Singh, Manager of Showroom of Tanisk Brand. He averred that he had received a telephonic call from a person named Golden demanding extortion amount of Rs.15 lakh. It is further averred by this First Informant that subsequently his employer Rajiv Kumar who happens to be Members of the Legislative Assembly contacted said Golden and asked him not to threaten the employees. However, subsequently the First Informant again received a call demanding ransom.

6. According to the prosecution case, phone number of the applicant was used in commission of crime. The investigation of the subject crime is over. The applicant is behind bars from 30.11.2022. Hence his further pretrial detention is not warranted and therefore, the orders:-

i. The application is allowed.

ii. The applicant/accused in Crime No. 812 of 2022 registered with Motihari Town Police Station for the offence punishable under Section 387 of the Indian Penal Code



be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(A. M. Badar, J)

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