

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21547 of 2023

Arising Out of PS. Case No.-41 Year-2016 Thana- DHAKA District- East Champaran

Mukesh Pathak Son of Late Lalan Pathak Resident of village-Marubad, P.S.-
Mehsi, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Dhaka P.S. Case No. 41 of 2016 (Tr. No. 2108/2022) registered on 18.02.2016 for the alleged offences under Section 387 of the Indian Penal Code.

3. As per prosecution case, extortion demand was made from the owner of the company of the informant by co-accused Vikash Jha. The name of the petitioner came up during investigation for being involved in the case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to highhandedness of police. The name of the petitioner came up in this case after about seven years of the



alleged occurrence. The mobile number given in the FIR from which the extortion call was made does not belong to this petitioner. Moreover, this petitioner is in custody since 17.01.2012, albeit in some other case, and was remanded in the present case on 12.05.2022. Charges have also been framed on 16.11.2022 still there is no progress in this case. Learned counsel further submits that no cogent material has been collected by the police during investigation and the petitioner has been all along being in custody.

5. Learned APP opposes the prayer for bail submitting that petitioner is a habitual offender and he is having a long criminal history and is accused in altogether 27 criminal cases of serious nature. At this stage, learned counsel for the petitioner submits that petitioner has been acquitted in 4 cases and he is on bail in 22 cases and his bail petition is pending in one case.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material to connect the petitioner with the offence as alleged and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarahna at Dhaka, East Champaran/court concerned in connection with Dhaka P.S. Case No. 41 of 2016 (Tr. No. 2108/2022), subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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