

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29113 of 2023

Arising Out of PS. Case No.-533 Year-2022 Thana- BARHARIA District- Siwan

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AJAY KUMAR @ JAY PRATAP Son of Ram Surat Prasad R/V- Balapur PS-
Barharia, Dist-Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Adarsh Ranjan, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Barharia
P.S. Case No. 533 of 2022 dated 22.12.2022 registered for the
offence under Sections 385 and 386 of the Indian Penal Code.

As per prosecution case, informant alleged that on
22.12.2022, he received a call from unknown persons and they
demanded the extortion of three lakh and threatened him to dire
consequences, if he is unable to pay.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R., however, his name
transpired in this case on the basis of restatement of the



informant and thereafter confession of the petitioner has been recorded by police during course of investigation. He further submits that due to previous admitted dispute, the petitioner has been dragged in this case. Save and except the self confessional statement of the petitioner, which has no evidentiary value, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that co-accused, Ishwar Kumar Pandit @ Sachin Pandit @ Sachin Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 21.04.2023 passed in Cr. Misc. No. 23304 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 31.12.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan in connection with Barhariya P.S. Case No. 533 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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