

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29286 of 2023**

Arising Out of PS. Case No.-572 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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LAL SAHAB @ TARUN KUMAR Son of Karpuri Thakur Resident of
Village - New Chandmari, P.S.- Motihari Town, 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, Adv.
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 26-09-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Motihari Town P.S. Case No. 572 of 2017 registered for the

offence under Sections 387 of the Indian Penal Code and

subsequently Section 120(B) of the Indian Penal Code has

been added.

According to the prosecution, the informant has

got two call with respect to extortion of money of Rs.

10,00000/- with threatening of dire consequences.

Learned counsel appearing for the petitioner

submits that the petitioner 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 confessional statement of the co-accused, Atul Kashyap @ Chunnu, which was recorded at paragraph-21 of the case diary. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Pappu Kumar Singh @ Pappu Financer @ Anand Kumar Singh, Ravi Bhushan Singh @ Chhotu, Atul Kashyap @ Chunu and Suman Singh @ Suman Kumar having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 15.01.2018, 11.01.2018, 01.02.2018 and 06.10.2018 passed in Cr. Misc. No. 59857 of 2017, Cr. Misc. No.62643 of 2017, Cr. Misc. No.5558 of 2018 and Cr. Misc. No.60394 of 2018 respectively. 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 05.08.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the



petitioner carries ten more cases other than the present one but he fairly submits on the basis of paragraph-3 of the petition that the petitioner has been granted bail in four cases out of ten.

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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 572 of 2017 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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