

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32485 of 2023

Arising Out of PS. Case No.-4 Year-2019 Thana- SURSAND District- Sitamarhi

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AMIT PANDEY @ RAJA MISHRA Son of Raj Narayan Pandey Resident of
village - Piprakhem, P.S. - Kalyanpur, Distt. - Motihari (East Champaran)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad, Advocate.

Mr. Hari Kishore Thakur, Advocate.

For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 30-08-2023 Heard Mr. Hari Kishore Thakur, learned counsel for

the petitioner and Mr. Choubey Jawahar, learned Additional

Public Prosecutor appearing for the State.

2. Petitioner apprehends his arrest in connection with
Sursand P.S. Case No. 04 of 2019 dated 6.1.2019 registered for
the offence punishable under Sections 385 and 387 of the Indian
Penal Code.

3. As per the First Information Report lodged by
Rakesh Kumar, General Manager of Sunil High-Tech Company
on 6.1.2019, that since October he is receiving calls on his
Mobile number from Mobile numbers 7908708198 and
7739573706 including foreign calls from Mobile numbers 977-
9826249129, 977-9864516003 and 977-9864844929. It has
further been alleged that the Caller of the aforesaid Mobile Nos.



demanded 2% of the Project cost which was being executed by Sunil High-Tech Company. The Caller of the Mobile claimed that he is Raja Mishra, a member of the Gang of Mukesh Pathak.

4. Learned counsel for the petitioner submits that the name of the petitioner is Amit Pandey and not Raja Mishra. He further submits that the informant was receiving calls since October but he has lodged the FIR in January, 2019 i.e. after delay of about three months. He further submits that the petitioner is not the member of gang of Mukesh Pathak and has been implicated in this case merely on the basis of fact that he is having three criminal antecedents. He next submits that co-accused Yogesh Pathak has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. 10672 of 2022.

5. On the other hand, learned counsel for the State referring to the case diary submits that during course of investigation it has come to light that Amit Pandey, i.e. petitioner herein, is Raja Mishra. The investigation of the case is still pending.

6. Regards being had to the submission made by the parties and taking into consideration the fact that the organized gang of Mukesh Pathak demanded extortion amount from the



informant who is General Manager of a construction company, the spy has collected information that Raja Mishra is Amit Pandey and the petitioner has got three criminal antecedents of similar nature of cases, I am not inclined to anticipatory bail to the petitioner.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner stands rejected.

(Anil Kumar Sinha, J)

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