

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35117 of 2023

Arising Out of PS. Case No.-438 Year-2022 Thana- MAJORGANJ District- Sitamarhi

Shyam Pandey Son of Ramashray Pandey Resident of Village- Bansbitta, PS-
Majorganj, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Ashok Kumar Jha, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party	:	Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Majorganj P.S. Case No. 438 of 2022 dated 19.12.2022,
instituted for the offences punishable under Sections 385, 387
and 506 of the Indian Penal Code.

3. The case of prosecution, in short, is that on
16.12.2022, at about 3:29 pm, the informant, who is the
Mukhiya, received an extortion call from mobile number of
Nepal by a person claimed himself to be Shaym Pandey and he
demanded *rangdaari* and threatened to kill him.

4. Mr. N.K. Agarwal, learned senior counsel for the
petitioner submits that the petitioner is innocent and he has



falsely been implicated in this case. It is submitted that from perusal of F.I.R. no offence under Section 386 of the Indian Penal Code is made out and further without verifying the mobile number the petitioner has been made accused only due to previous enmity. It is further submitted that the allegation against the petitioner of extortion is without disclosing any amount to be extorted and also he has not been put in fear of death or grievous hurt and without the aforesaid disclosure the Police instituted the case under Sections 378, 385 and 506 of the Indian Penal Code. Lastly, it has been submitted that the petitioner is in custody since 01.03.2023, has eight cases against him and charge-sheet has been submitted in the case.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1, Sitamarhi in Majorganj P.S. Case No. 438 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. 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.

(Khatim Reza, J)

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