

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39263 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- DANDARI District- Begusarai

ROHIT KUMAR Son of Suresh Mahto Resident of Village - Nima
Chandpura, P.s.- Nima Chandpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Dandari
P.S. Case No. 111 of 2021 registered for the offences punishable
under Sections 384, 506, 387 and 414 of the Indian Penal Code.

As per prosecution case, there is allegation that rupees
eight lakh was being demanded through mobile number 8377833260
and FIR has been lodged against the holder of the same mobile
number.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name transpired in the
present case during the course of investigation, on the basis of
confessional statement of co-accused. Except confessional statement,



there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner in custody since 20.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that from perusal of seizure list, IMEI No. 355107116562384, it appears that the alleged sim number was previously used but same was not recovered from the possession of the petitioner. He further submits that in the light of the facts narrated in the FIR at best case is made out under Section 385 of IPC but no case is made out under Section 384, 506, 387, 414 of the IPC as no delivery is made against the alleged demand. He further submits that petitioner is quite innocent and falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twnty five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate V,



Begusarai in connection with Dandari P.S. Case No. 111 of 2021,
subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

