

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58084 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- SAKRA District- Muzaffarpur

=====

FEKU THAKUR S/o SAHDEO THAKUR R/o vill - Jafarpur, P.s. and Distt. -
Sheohar, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj
For the Opposite Party/s : Mr.Rajendra Nath Jha

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sakra P.S. Case No. 144 of 2023 dated 17.03.2023 registered for the offences punishable u/ss 406, 420 and 120B of the Indian Penal Code.

3. As per the prosecution case, the co-accused persons are alleged to have taken Rs. 4,58,000/- and 7,40,000/- from the informant through Google Pay, Phone Pay and cash in the name of providing job. They also took Rs. 4,50,000/- from Gaurav Kumar on the assurance of providing job. A panchayati was held but they denied to return the said amount.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has surfaced during investigation. Nothing incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. Learned counsel for the petitioner placed reliance on the judgment in the case of **Bimla Tiwari vs. State of Bihar and others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble apex court has held that "we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer for bail." The petitioner is in custody since 25.05.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the money was received on the mobile of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur, East in connection with Sakra P.S.



Case No. 144 of 2023 with the condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

(ii) If the petitioner is found involved in any other similar nature of case in future, the prosecution will have liberty to move for cancellation of his bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Alok Verma/-

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

