

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69351 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- CHANDAN District- Banka

NIWASH PRASAD SINGH @ NIWAS PD. SINGH Son of Late Vasanti
Prasad Singh R/v- Jhikuliya, P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 385, 386 and 387 of the
Indian Penal Code.

Prosecution case, in brief, is that informant got
multiple threat calls on various days from an unknown person
over the mobile phone who demanded Rs. 2,50,000/- and
threatened to kill the informant if he fails to pay the said
amount.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that on
perusal of the F.I.R. it is evident that the F.I.R. was instituted on
20.08.2022 under Section 385 of the Indian Penal Code but after



lapses of almost two months police added Sections 386 and 387 of the Indian Penal Code. He further submits that it appears from the F.I.R. that there is no allegation against the petitioner and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Yugal Kishore Yadav. He further submits that petitioner is not the owner of the mobile number which was mentioned in the F.I.R. and the petitioner has no concern at all with the alleged occurrence and except the confessional statement of the co-accused person, no other criminal allegation against the petitioner is true. He further submits that the police after investigation submitted the chargesheet against the petitioner and the petitioner is in custody since 03.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Chandan (Anandpur) P.S. Case No. 153 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

Alok Verma/-

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