

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33791 of 2024

Arising Out of PS. Case No.-57 Year-2021 Thana- BARGAINIA District- Sitamarhi

Abhishek Kumar @ Abhishek Raj, Son Of Dilip Kumar Singh @ Dilip Kumar, R/O Vill- Gharwara , P.S Suppi, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bairgania P.S. Case No. 57 of 2021, registered on 27.03.2021 for the alleged offences under Section 386 of the Indian Penal Code.

3. As per prosecution case, informant received an extortion demand of Rs. 25,00,000/- (Twenty Five Lakh) from a certain mobile number. The name of the petitioner came up during investigation as the person who holds the sim for the said mobile from which extortion was demanded.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is apparent from the FIR that the demand was made in



the name of one Rana Singh but the said Rana Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 10.08.2023 passed in Cr. Misc. No. 44770 of 2203. The name of the petitioner transpired on the basis of confessional statement of co-accused though nothing incriminating has been recovered from the person or possession of this petitioner. Co-accused Manish Kumar has been granted regular bail by this Court vide order dated 21.09.2022 passed in Cr. Misc. No. 68984 of 2021. Other co-accused persons have also been granted bail by other Co-ordinate Benches of this Court. Learned counsel further submits that the petitioner lost his mobile and it also appears from the FIR that only one call was made from the said mobile which shows it was misused by the co-accused. Moreover, no extortion money was paid. Learned counsel further submits that petitioner is in custody since 18.12.2023 and charge-sheet has been submitted. Petitioner is accused in two other cases but he is on bail in both the cases.

5. Learned A.P.P. opposes the prayer for bail submitting that the mobile number, from which the extortion money was demanded, belongs to this petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



period of custody of the petitioner along with submission of charge sheet, the petitioner is directed to 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 learned Chief Judicial Magistrate, Sitamarhi/ court concerned, in connection with Bairgania P.S. Case No. 57 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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