

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58798 of 2024

Arising Out of PS. Case No.-217 Year-2023 Thana- SIKARPUR District- West Champaran

Motan Sah @ Pappu Sah son of Jokhu Sah R/o- Ward No. 13, Jamuniya, Ps-
Shikarpur Dist- West Champaran Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sikarpur P.S. Case No. 217 of 2023 for the offence punishable under Sections 386, 387 and 120(B) of the Indian Penal Code lodged on 23.03.2023 by the informant, Binod Pd. Jaiswal.

3. As per the prosecution story, the informant alleged that he got a call on his mobile no. XXXX942142 from another mobile no. 978465XXXX and asked for payment of Rs. 1 crore within two days failing which they know that the informant's son goes to the gym where he will be killed. Accordingly, the FIR. Subsequently, the investigation took place and the name of the petitioner cropped up on the confession of the other accused persons.

4. Learned counsel for the petitioner submits that his name has come in the confessional statement of the co-accused



Sawan Sawariya, had no role to play in the matter and the alleged mobile number does not belong to him. He further submits that the other co-accuseds have been granted bail. He further submits that some other similarly co-accused approached this Court and relief granted. Further, in the case of Karan Kumar Singh in Cr. Misc. No. 45868 of 2024, he has been directed to be released after framing of the charges, to his knowledge, charges have been framed.

5. Learned APP on the other hand, opposes the prayer for bail submitting that not only his name has come in the confessional statement, he has criminal antecedent.

6. Though the petitioner has criminal antecedent, FIR is there, charge-sheet has already been submitted, ultimately, he will have to face the trial and similarly placed co-accused has been granted relief as stated above, the relief is extended to the petitioner, if the charges have been framed. If however, the statement of the learned counsel for the petitioner is false/wrong, the relief be extended only after the charges are framed.

7. Let the petitioner be released on bail if the charges framed on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial



Magistrate-1st Class, Bettiah, West Champaran, in connection with Sikarpur P.S. Case No. 217 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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