

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59394 of 2024

Arising Out of PS. Case No.-41 Year-2016 Thana- DHAKA District- East Champaran

Vikash Jha @ Kaliya, S/o Subodh Jha R/o village - Bathnaha, P.S - Bathnaha,
Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate Mr. Vikash Kumar Jha, Advocate Ms. Anita Kumari, Advocate
For the Opposite Party/s	:	Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Dhaka P.S. Case No. 41 of 2016 registered on 18.02.2016 for the alleged offences under Section 387 of the Indian Penal Code.

3. As per prosecution case, the petitioner demanded extortion money from the employee of an infrastructure company, which was constructing a bridge.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not committed any offence. The petitioner never called the informant or demanded any money.



The mobile number from which demand was made is not in the name of the petitioner or any person connected with the petitioner. Nothing incriminating has been recovered from the person/possession of this petitioner. The petitioner was remanded in this case on 29.05.2018 and he fled away from the judicial custody while he was in Emergency/Prison Ward of JLN MCH, Bhagalpur on 19.08.2019. Subsequently, the petitioner was again arrested and again remanded in this case on 22.12.2023. The learned counsel further submits that co-accused Mukesh Pathak has been granted bail by this Court vide order dated 1.05.2023 passed in Cr. Misc. No. 21547 of 2023. The charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner is having antecedents of 23 cases of serious nature. The petitioner even escaped from the judicial custody in the present case and should not be granted privilege of bail considering his conduct and criminal antecedents.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material to connect the petitioner with the offence as alleged and further considering his period of



custody and the submission of charge-sheet against him, the petitioner above named 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 Additional Chief Judicial Magistrate-III, Sikarhana at Dhaka, East Champaran, Motihari/court concerned, in connection with Dhaka P.S. Case No. 41 of 2016, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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