

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62489 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- SIKARPUR District- West Champaran

Mukesh Kumar @ Mukesh Kumar Jaiswal @ Mukesh Jaiswal, Son of late Prithvinath Prasad @ Prithavinath Jaiswal, Village- Purani Bazar Pakari Dhala Narkatiaganj, Police Station -Shikarpur, District -West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the State : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-09-2024 Heard learned counsel for the Petitioner and learned APP for the State.

2. Petitioner seeks regular bail in connection with Shikarpur P.S. Case No. 125 of 2024 dated 22.02.2024 registered for the offences punishable under Sections 387, 420, 120B of the Indian Penal Code.

3. Mr. Brij Kishor Mishra, learned counsel appearing for the petitioner submits that petitioner is not named in the FIR, he has been made accused mainly on the basis of the confessional statement of the apprehended co-accused Sameer Alam, except this, there is no material against this petitioner to connect him to the alleged occurrence. So far as the mobile numbers which were allegedly used in making extortion demand



by calling the informant, the petitioner has no any kind of connection to the alleged said mobile numbers and in this regard, he has made specific statement in paragraph no. 7 of the petition and further, the police did not succeed to get any incriminating material including the alleged mobile phone from the possession of the petitioner after he was taken into custody. Learned counsel further submits that the petitioner has been languishing in jail since 12.06.2024 and against him, the investigation has been completed. It is further submitted that one co-accused, namely, Anuj Choubey @ Anuj Kumar Chaubey has been granted bail by this Court vide order dated 06.08.2024 passed in Cr. Misc. No. 53097 of 2024 and the case of this petitioner stands on similar footing with the said co-accused.

4. Mr. Brajendra Nath Pandey, learned APP appearing for the State though opposed the prayer for bail of the petitioner but fairly accepted that against this petitioner, there is no material except the confessional statement of the apprehended co-accused Sameer Alam. Learned APP further submits that there are criminal antecedent of two cases against the petitioner.

5. Having considered the above submissions and mainly the facts that in respect of the petitioner's involvement in



the alleged crime of extortion demand, the prosecution is mainly relying upon the confessional statement of co-accused Sameer Alam recorded by him before the police and the petitioner has taken the plea that he has no connection to the mobile numbers given in the FIR which were allegedly used in making extortion demand and further, as per above submission, the police have not recovered the alleged mobile phone from the possession of this petitioner which was used in the alleged crime also coupled with the completion of investigation against this petitioner, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Shikarpur P.S. Case No. 125 of 2024.

(Shailendra Singh, J)

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