

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65969 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- RIGA District- Sitamarhi

=====

NIVESH KUMAR SON OF RAM VINAY MAHTO @ RAMVINAY
MAHTO RESIDENT OF VILLAGE - BELA SHAHBAJPUR, P.S. - RIGA,
DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Ajit Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 08-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Riga
P.S. Case No. 201 of 2023 registered for the offences punishable
under Sections 386, 387 of the Indian Penal Code.

3. As per prosecution case, the informant alleges that
his brother runs business of Pan Masala in Manipur. It is further
alleged that on 17.05.2023 a call was made on the mobile of
informant's brother from mobile number 9507588180
demanding ransom of Rs. 15,00,000/- and threatening was also
given that informant(brother of Jitendra Kumar Sah), who lives
in Bihar, will be killed, if ransom amount is not paid within
three days. It is further alleged that if Rs. 10,00,000/- is not



paid, any untoward incident may occur within three days.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that as per FIR, it is evident that petitioner is not named in the FIR and during course of investigation, one Poonam Devi, mother of Sachin Kumar disclosed the name of petitioner in this case. Petitioner is not in any way connected with the alleged occurrence. Co-accused Amar Kumar, from whose possession mobile bearing IMEI No. 350260609949030 which was used for demand of ransom, has been recovered, has already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 55417 of 2023 and case of present petitioner stands on better footing. He further submits that Sim No. 9507588180 which was used in making call for demand of ransom has been taken in the name of co-accused Chunnu Baitha. Petitioner is not owner of the said mobile bearing IMEI No. 350260609949030. In this way, petitioner is not connected with the mobile and sim number by which ransom was demanded. He further submits that ransom was demanded on 17.05.2023 and FIR was lodged on 20.05.2023 which clearly indicates that the whole prosecution story is



afterthought. Petitioner is in custody since 22.05.2023. Petitioner bears criminal antecedent of one case which is not similar to the present case in which petitioner is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail by co-ordinate Bench of this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 learned Chief Judicial Magistrate, Sitamarhi/concerned court in connection with Riga P.S. Case No. 201 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

