

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77017 of 2023

Arising Out of PS. Case No.-519 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

=====

LAL SAHEB @ TARUN KUMAR @ LAL THAKUR S/O KARPURI
THAKUR RESIDENT OF VILLAGE- NEW CHANDMARI, P.S-
MOTIHARI TOWN, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Ram Sumiran Rai

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Town
P.S. Case No. 519 of 2017 registered for the offences punishable
under Sections 386 of the Indian Penal Code.

As per prosecution case, informant received a letter
demanding Rs. 10,00,000/- through courier and also received
ransom call from mobile no. 7870651257.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
further submitted that petitioner is not named in FIR and the
name of petitioner has been surfaced upon confessional



statement of co-accused Atul Kashyap @ Chunnu. Except confessional statement of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. Learned counsel orally submits that the mobile through which ransom call has been made does not belong to the petitioner. Learned counsel further orally submits that though the occurrence took place on 26.07.2017, the name of petitioner has been surfaced after near about one month from the said occurrence i.e. on 24.08.2017. Co-accused Atul Kashyap on similar and identical allegation has already been granted bail by co-ordinate bench of this court vide Cr. Misc. No. 5043 of 2018. On the principle of parity, petitioner also deserves bail. Petitioner is in custody since 06.06.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of 14 cases as he has been roped in one case after another in a routine manner.

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

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, 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, Motihari, East Champaran in connection with Town P.S. Case No. 519 of 2017, subject to the 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.

(Alok Kumar Pandey, J)

asmit/-

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

