

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81407 of 2024

Arising Out of PS. Case No.-321 Year-2023 Thana- AMAS District- Gaya

Rupesh Mistry @ Rupesh Mistri Son of Mahendra Mistry Resident of
Village- Sidhapur, Badhayi Tola, Police Station- Imamganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Amas
P.S. Case No. 321 of 2023 instituted for the offence under
Sections 386, 387, 420, 504, 506/34 of the Indian Penal Code.

3. Prosecution case in short is that while the
informant was on his way he was accosted with two persons -
who claim to be police personnel- and they demanded Rs. One
lakhs from the informant. Thereafter, informant gave Rs.
20,000/- in cash and Rs.30,000/- via online mode to a number,
which is alleged to be of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 09-09-2024. Petitioner is a



man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Vazid Shah, and the same has no evidentiary value in the eye of law. It is submitted that petitioner is neither the owner of the motorcycle nor he was apprehended from the spot. Co-accused, namely, Vazid Shah has been granted regular bail by this Court *vide* order dated 20-02-2024, passed in Cr. Misc. No. 8051 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and clean antecedent of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amas P.S. Case No. 321 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the



family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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