

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10299 of 2025

Arising Out of PS. Case No.-207 Year-2024 Thana- LALGANJ District- Vaishali

Niraj Kumar @ Chhotu, Son of Nand Kishore Singh, R/O Vill-Hussaina
Khurd, Ps-Goroul, Dist-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-02-2025 Heard Mr. Bhola Prasad, learned counsel for the

petitioner, and Mr. Ram Sevak Choudhary, learned APP for the

State.

2. Petitioner seeks regular bail in connection with
Lalganj P.S. Case No. 207 of 2024 dated 15.07.2024 registered
for the offences punishable under Sections 308 (5) and 308 (4)
of the Bharatiya Nayay Sanhita, 2023.

3. The main submissions advanced by learned counsel
for the petitioner are that the petitioner earlier also approached
this Court by filing Cr. Misc. No. 67161 of 2024 for the relief of
anticipatory bail, which was rejected by this Court with giving a
liberty to the petitioner to surrender before the Court below and
make a prayer for regular bail and in view of the said liberty he
surrendered before the Trial Court, but his prayer was not

considered, despite no evidence being available against him in the case diary, the FIR has been registered against unknown persons and the instant matter relates to the extortion call made from inside the jail by using same mobile numbers of which the details has been given in the FIR, but the petitioner has no connection with any of these mobile numbers. During the course of investigation as per the prosecution, the petitioner's name surfaced in the statements of three co-accused persons, namely, Hanif @ Bhola, Pramod and Gautam Kumar, except this there is no material against him to connect him to the alleged extortion demand. It is further submitted that against the petitioner there are criminal antecedents of two cases in which he is on bail and in the present matter he has been languishing in jail since 16.12.2024 and one co-accused, who happens to be the father of the petitioner carrying similar nature of allegation, has been granted the relief of anticipatory bail by this Court.

4. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner, but he fairly accepts that against this petitioner, there is no material in the case diary except the confessional statements of three co-accused persons and the details of the said co-accused persons came into light in the statements of three independent persons, who did not reveal

the name of this petitioner.

5. Considering the aforesaid submissions advanced by petitioner's counsel and mainly the fact that in respect of petitioner's involvement in the alleged crime of extortion demand, the prosecution is mainly relying upon the confessional statements of co-accused persons given before the police, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Lalganj P.S. Case No. 207 of 2024.

(Shailendra Singh, J.)

Jyoti Kumari/-

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