

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33067 of 2025

Arising Out of PS. Case No.-391 Year-2023 Thana- SABAUR District- Bhagalpur

Md. Heeru @ Heeruan @ Heerwa @ Md. Hiru S/O Late Salauddin @
Sahabuddin Resident Of Mohalla- Gumti No. 3, Choti Railway Line,
Jhoparpatti, P.s.- Ishachak, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
Mr.Ravi Prakash Dwedi, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sabour P.S. Case No. 391 of 2023, registered for the offences under Sections 384, 386, 387 of the Indian Penal Code.

3. As per the prosecution case, two persons on a motorcycle came to the shop of the informant and made an extortion demand of Rs.10 lakh. When the informant refused, they took away Rs. 14,000/- cash and wrist watch from the informant on gun point. They further threatened the informant to pay Rs. 2 lakh by 12:00 noon on the next day and kept on calling the informant on mobile phone demanding the money with threat to shoot him dead. The name of the petitioner transpired during investigation for being involved in this extortion case.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been registered against unknown but for the reason that the petitioner is registered owner of mobile number 9102054422, he has been made accused in this case but no Test Identification Parade has been conducted to establish the identity of the petitioner. Learned counsel further submits that offences are triable by learned Court of Magistrate as no payment was made pursuant to the alleged demand of money. No offences under Section 384, 386, 387 of the Indian Penal Code is made out against the petitioner and only offences could be made out under Section 385 of the Indian Penal Code which is bailable. The petitioner is in custody since 10.09.2024 and charge sheet has been submitted. Learned counsel further submits that petitioner has been made accused in 33 cases but he is on bail in all the cases.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner is a habitual offender and he is accused in 33 cases of serious nature.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the



submission of charge sheet and his period of custody, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned JMFC, Bhagalpur/concerned court, in connection with Sabour P.S. Case No. 391 of 2023, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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