

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48959 of 2024

Arising Out of PS. Case No.-274 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Osiyar Sahni S/O Rameshwar Sahni village- Barharwa, P.S.- Kotwa, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachina
For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 29-01-2025 Heard the learned counsel for the parties.

2. This is the 2nd attempt of the petitioner. Earlier the
bail application of the petitioner was rejected vide order dated
19.05.2023 passed in Cr. Misc. No. 25797 of 2023.

3. The petitioner seeks regular bail in a case registered
for the offence under Sections 384, 387, 120B, 506 of the Indian
Penal Code.

4. The learned APP for the State; Sri Jharkhandi
Upadhyay has filed counter affidavit.

5. The following order was passed on 19.05.2023
passed in Cr. Misc. No. 25797 of 2023:-

Heard learned counsel appearing on
behalf of the petitioner and learned APP appearing
on behalf of the State.

Let the defect(s), if any, be removed



within a period of four weeks from today.

The petitioner seeks bail in connection with Motihari Muffasil P.S. Case No. 274 of 2021, G.R. No. 3101 of 2021 registered for the offence under Sections 384, 387, 120-B and 506 of the Indian Penal Code.

The present case has been filed by the written statement of the informant Devanand Sah alleging therein that on 28.05.2021, in the evening he received a call in which he was demanded extortion of Rs. 10 lacs.

The SIM from which the informant received the phone call belongs to the petitioner and he has four criminal antecedents also.

In view of the facts and circumstances, as mentioned above, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected.

The Court below is directed to expedite the trial.

6. It has been submitted by the learned counsel for the petitioner that the trial is not proceeding and therefore the petitioner maybe granted bail.

7. Some of the co-accused i.e., the gang members of the petitioner after getting bail, are not appearing and not cooperating in the trial and therefore the case is not proceeding. The petitioner cannot get advantage of non-appearance of his own gang members.

8. The Court below is directed to separate the trial of the petitioner and proceed with the case.

9. I see no ground to review my earlier order in such a serious case where the mobile used in the *Rangdari* (Extortion)



has been recovered from the possession of the petitioner.

10. Accordingly, this application for regular bail is
again rejected.

(Sandeep Kumar, J)

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