

Manik Singh @ Manik Kumar @ Aditya Kumar vs The State Of Bihar on 21 October, 2022

Author: Shailendra Singh

Bench: Shailendra Singh

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32882 of 2022
Arising Out of PS. Case No.-682 Year-2017 Thana- KOTWALI District
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Manik Singh @ Manik Kumar @ Aditya Kumar Son of Sri Manoj Singh
Resident of Village - Shambhupura, P.s.- Naubatpur, Distt.- Patna.
... .. Pe

Versus

The State Of Bihar
... .. Opposite

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Appearance :
For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP
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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-10-2022

The case is heard through video conferencing.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Kotwali P.S. Case No. 682 of 2017 registered for the offences under Sections 384, 386 and 34 of the Indian Penal Code.

As per the prosecution story, the main allegation is that on 08.12.2017 at 4:00 P.M. the petitioner with his father came at Maurya Lok in Patna where the informant had come for some work and thereafter co-accused Manoj Singh threatened the informant by pointing a pistol and said that he would have to pay Rs.5/- lacs as extortion otherwise he would be killed and thereafter on seeing the vehicle of patrolling police party the Patna High Court CR. MISC. No.32882 of 2022(3) dt.21-10-2022 petitioner and co-accused fled away on a motorcycle.

The main submissions advanced by the learned counsel Mr. Sunil Kumar Pathak appearing for the petitioner are that the petitioner was firstly arrested on 17.01.2016 in connection with Bikram P.S.

Case No. 04 of 2016 and thereafter he was remanded in six criminal cases and at that time he was juvenile and thereafter he was arrested in connection with Naubatpur P.S. Case No. 377 of 2020 and he was again remanded in the instant case as well as in other cases most of which were lodged against unknown persons and the petitioner was remanded in all these cases mainly on the basis of suspicion and he has got bail in all the cases except the instant matter. Further submission is that as per the FIR the petitioner only accompanied his father and no allegation has been made against him as to having played a role in giving threat and making extortion demand from the informant and he has been languishing in jail since 23.09.2021 and against him the investigation has been completed. Further submission is that the petitioner has been dragged in this case mainly on the basis of his criminal antecedents and in the light of the alleged extortion demand no money was paid by the informant as clearly reflects from the FIR itself.

Patna High Court CR. MISC. No.32882 of 2022(3) dt.21-10-2022 Learned APP Mr. Ram Bilash Roy Raman appearing for the State has opposed the bail prayer and submitted that the petitioner has a long criminal history and he does not deserve to the privilege of bail.

Heard both the sides and perused the FIR and the case diary of this case. The instant matter relates to an extortion demand made by petitioner's father and at that time the petitioner was also present with his father and the case diary does not show any enmity between the informant and the petitioner and the material witnesses including the independent witnesses mentioned at paragraph No. 5 and 6 of case diary have stated that the petitioner is a person of criminal background. Though as per the FIR the alleged extortion demand was made by co-accused but the petitioner was also present along with co-accused and according to the FIR and some witnesses whose statements are mentioned at paragraph No. 4, 5 and 6 of case diary when the informant raised an alarm then the petitioner and co-accused started fleeing and the said conduct of this petitioner rises a presumption that he was present with the main accused with some wrong intention at the time of making the alleged extortion demand and moreover as per the restatement of informant when the alleged extortion Patna High Court CR. MISC. No.32882 of 2022(3) dt.21-10-2022 demand was being made the petitioner and co-accused abused the informant and furthermore according to informant the petitioner is a notorious criminal and he had been threatened by the co-accused before the alleged occurrence and he has apprehension of his murder, hence in view of the said circumstances appearing from these discussed facts there is a possibility of misuse of privilege of bail if the same is granted to the petitioner at this stage. Though the petitioner has been languishing in jail for more than one year but considering his long criminal antecedent which mainly relates to the offences of extortion, and there was no reason for the informant to falsely implicate this petitioner in the alleged crime, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

The Court below is directed to expedite the trial of the petitioner if the same has been started and take steps to conclude the same as early as possible. If the trial of the petitioner is not concluded in the next nine months then the petitioner may renew his bail prayer.

(Shailendra Singh, J.) sangam/-

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