

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25723 of 2018

Arising Out of PS.Case No. -203 Year- 2017 Thana -CHAPRA TOWN District- SARAN

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1. Pawan Kumar Gupta @ Pawan Kumar, Son of Late Ramji Lal Gupta,
2. Sanjay Kumar @ Sanjay Kumar Gupta, Son of Late Ramji Lal Gupta,
Both are the Resident of Muhalla- Chura Mill, Mauna, Sandha Road, Police
Station- Chapra Town, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 03-05-2018

Heard both sides.

The petitioners apprehend their arrest in Chapra Town
P.S. Case No.203 of 2017 registered under Sections 386, 379, 365,
448, 506, 504 and 34 of the Indian Penal Code.

Anil Kumar, the informant alleged that while he was
sitting in his shop, Sanjay Kumar, Pawan Kumar (the petitioners)
along with unknown persons came and snatched the ring of chest
of the shop. Pawan Kumar took out Rs.30,000/- from the chest of
the shop only because the informant did not pay the extortion
demanded by them. It is further alleged that accused persons made
an attempt to kidnap the informant.

The learned counsel for the petitioners submits that all



the allegations are false and concocted. The informant is the son of Ram Pukar Sah @ Ram Pukar Gupta. Petitioners are sons of Ramji Lal Gupta. Ram Pukar Gupta and Ramji Lal Gupta are own brothers. The petitioners filed Title Suit No.61 of 2003 against Ram Pukar Gupta and Smt. Anju Devi. Ram Pukar Gupta also filed Title Suit No.491 of 2004. Ram Pukar Gupta himself disclosed in his plaint that Rajeshwar Prasad Gupta had two sons namely Ram Pukar Gupta and Ramji Lal Gupta. The informant made allegation of extortion and kidnapping of the informant. It is further submitted that in fact, no occurrence as alleged by the informant took place. The occurrence is said to have taken place on 13.05.2017 but the informant himself made his statement before the police of Town P.S. Chapra on 15.05.2017. There is no explanation for institution of case after more than 48 hours of the occurrence.

Considering the facts that the informant and petitioners are cousins and there are civil litigations pending between them, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No.203 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

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