

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21030 of 2019

Arising Out of PS. Case No.-201 Year-2018 Thana- SONBERSA District- Sitamarhi

1. ASHOK KUMAR @ ASHOK KUMAR SAH, aged about 35 years, Gender-Male, Son of Ram Jinish Sah
 2. Jitendra Kumar @ Jitendra Sah aged about 31 years, Gender-Male, Son of Ram Pratap Sah
 3. Lochan Kumar @ Lochan Sah @ Ram Lochan Sah, aged about 29 years, Gender-Male, Son of Bhuneshwar Sah
- All are resident of Village - Kachaharipur, P.S.- Sonbarsa, District - Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Kanhaiya Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-04-2019 Heard both sides.

The petitioners apprehend their arrest in Sonbarsa P.S.
Case No.201 of 2018 registered under Sections 307, 385, 387,
427 and other Sections of the Indian Penal Code.

The informant alleged that while he was carrying banana on his pick up van, the petitioners and others intercepted the vehicle. Santosh Kumar, Shyam Mahto and others pointed pistol and caught his collar. They pulled him down from the vehicle and demanded extortion of Rs.2 lacs. It is further alleged that Santosh Kumar and others also assaulted the informant. Shyam Mahto assaulted the informant with dabiya on his head.



Santosh Kumar, Ashok Kumar and Jitendra Sah are alleged to have assaulted with knife and Lochan Sah is alleged to have assaulted with iron rod.

The learned counsel for the petitioners submits that there is a counter version being Sonbarsa P.S. Case No.205 of 2018. In fact, the pick up van of the informant dashed the house of Ram Auatar Sah, uncle of petitioner No.1 for which some scuffle took place between two sides. The allegation of extortion is ornamental. Shyam Mahto who is alleged to have assaulted with dabiya on the head of the informant has already been enlarged on bail. Santosh Kumar has also been enlarged on anticipatory bail.

Taking into consideration the facts that there is a case and counter case and the petitioners are alleged to have assaulted the informant but the corresponding injuries found on the person of the informant are superficial and simple in nature and similarly situated Santosh Kumar has already been granted anticipatory bail, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of the learned A.C.J.M. IV, Sitamarhi in connection with Sonbarsa P.S. Case No.201 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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