

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29159 of 2023

Arising Out of PS. Case No.-023 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Sunny Sinha Son of Raju Sinha @ Vinay Kumar Sinha Resident of Kayastha
Tola, Ward No 28/33, East Railway Colony, Mission Compound, P.S.-
Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bal Krishna Mishra, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Saharsa (Sadar) P.S. Case No. 23 of 2023, registered on 12.01.2023 for the offences under Sections 341, 323, 307, 384, 379 and 504/34 of the Indian Penal Code.

3. As per prosecution case, the informant alleged while he was going to fetch milk from the house of Ramkishore Yadav, four miscreants on two motorcycle surrounded him at a lonely place and started demanding extortion money. On the



protest of the informant, the petitioner hit him with the butt of the country made pistol causing injury on the head of the informant and took away Rs.5,000/- cash and a gold locket weighing about 5 gms.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner and the informant are living in same locality. The informant has grudge against the petitioner and in order to take revenge he has levelled allegation against the petitioner only and did not say anything against other three persons, who also arrived on the motorcycle and surrounded the informant. Learned counsel further submits that the FIR has been registered after delay of two days whereas the distance of place of occurrence from the police station is only 2 and 1/2 km. The informant has levelled allegation of serious assault upon the petitioner but only one injury was found which is lacerated wound at forehead and size of the injury is 1/4" x 1/4" and it is superficial in nature. Learned counsel further submits that there is nothing in the FIR to show any attempt on the life of the informant or there was any intervening circumstance. The allegation of theft or demanding extortion are merely embellishment to make the offence graver. The petitioner is a



student and his career will be at stake if he is not granted anticipatory bail. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail submitting that the specific allegation of assault has been levelled against the petitioner that he hit the informant with the butt of the country made pistol on his head.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the apparent lack of ingredients of offences under Sections 307, 384 and 379 of the IPC against the petitioner and possibility of false implication, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa/concerned court in connection with Saharsa (Sadar) P.S. Case No. 23 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure 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.

(Arun Kumar Jha, J)

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