

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37383 of 2023

Arising Out of PS. Case No.-1066 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Ashutosh Kumar Son of Muni Lal Prasad Resident of village - Mahauta, P.S. -
Madhuban, Distt. - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandra Bhushan Kumar @ Bhushan Kumar Son of Daroga Prasad Singh
Resident of village - Mahauta, P.S. - Madhuban, Distt. - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Adv.
For the Opposite Party/s : Ms. Nirmala Kumari, APP
For the O.P. No.2 : Mr. Ujjwal Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Kundan Rathore, learned counsel for the

petitioner, Mr. Ujjwal Kumar, learned counsel for the O.P. No.2

and Ms. Nirmala Kumari, learned APP for the State.

2. The petitioner apprehends his arrest in connection

with Complaint Case No. 1066 of 2022 giving rise to Trial No.

658 of 2022 in which cognizance has been taken under Sections

323, 341, 382, 504 and 506/34 of the Indian Penal Code.

3. It is alleged that while the complainant was

returning to his house, in the meanwhile, the petitioner

intercepted him and started abusing. On protest being made, the

petitioner snatched key of his motorcycle and demanded an

extortion of Rs. 5 lac. It is also alleged that co-accused persons



assaulted the complainant and his father and this petitioner snatched Rs.20,000/- from his pocket.

4. Learned counsel for the petitioner submits that the petitioner is a school teacher having fair antecedent. Prior to the filing of the present complaint, the petitioner had lodged Chakia P.S. Case No. 159 of 2022 against the complainant and others and the complainant, who is a practicing lawyer only in order to save his skin, filed the instant case with a view to pressurize and compromise the previous litigation. The petitioner undertakes that he will fully cooperate in the trial and will not indulge in intimidating the witnesses or tampering with the evidence.

5. On the other hand, learned counsel for the informant as well as learned counsel for the State oppose the bail application and submits that a demand of *rangdari* has been made at the hands of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that prior to the filing of the present case, the petitioner had already instituted a case and *prima facie* the present case appears to be doubtful, coupled with the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from



today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No. 1066 of 2022 giving rise to Trial No. 658 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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