

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41148 of 2023

Arising Out of PS. Case No.-2964 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. HIRALAL PRASAD son of Jarman Prasad @ Jarman Sah Resident of Village- Belahiram PS- Patahi Dist- E.Champaran, Motihari
 2. Dinesh Sah son of Ramashre Sah Resident of Village- Belahiram PS- Patahi Dist- E.Champaran, Motihari
 3. Ajeet Kumar son of Hiralal Prasad Resident of Village- Belahiram PS- Patahi Dist- E.Champaran, Motihari
 4. Md. Abulaish son of Late Md. Ismail Resident of Village- Belahiram PS- Patahi Dist- E.Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Prasad son of Surajlal Sah Village- Belahiram PS- Patahi Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 341, 380, 384, 504 and 506/34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 are persons with clean antecedent and petitioner nos. 3 and 4 have antecedent of one case.
4. The complainant alleges that on 20.11.2020 Hiralal Prasad (petitioner no. 1) came to his clinic and wanted to meet



him and when the staffs of the clinic asked him to wait, he became angry and went back abusing him. It is further alleged that again petitioner along with accused persons came and damaged the clinic of the complainant and demanded extortion of Rs.5,000/- and also took away Rs.25,000/- from the cash counter. It is next alleged that earlier also the accused persons had demanded extortion from the complainant.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that the complainant is the Homeopathic Doctor and petitioner no. 1 had gone for consultation but there was hot talk with the staffs of the Doctor on account of which an altercation took place and the present FIR came to be instituted. It is next submitted that it absolutely does not stand to reason that if the petitioners were demanding extortion from before why no FIR came to be instituted. It is also submitted that falsity of the allegation also manifest from the fact that deliberately a complaint case came to be instituted so that the allegation as alleged does not get investigated by the police.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Trial No. 1736 of 2023 arising out of Complaint Case No. 2964 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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