

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50886 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- MANIYARI District- Muzaffarpur

Rajesh Kumar Chaudhary @ Munna Chaudhary Son Of Late Surendra
Chaudhary Village Hasanchak Bangra, Ps- Sadar, Dist- Muzaffarpur
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nachiketa Jha, Advocate
For the Opposite Party : Mr. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Maniyari P.S. Case No. 134 of 2023 dated 30.04.2023, instituted for the offence punishable under Sections 341, 323, 384, 427, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on 29.04.2023, the informant heard that some persons were breaking boundary walls of his land, thereafter he with his maternal uncle went there, saw that the boundary wall was broken, he asked who broke the boundary wall, then the accused persons pointed a pistol on informant and his maternal uncle and demanded Rs. 5,00,000/- (Five Lakhs) as extortion.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is submitted that the accused persons of the instant case and maternal uncle (Mukesh Kumar Sharma) are the partners in property business and Rs. 14,72,133/- was due to Mukesh Kumar Sharma, who is instrumental in filing the instant F.I.R. only to grab the aforesaid money. The wife of the co-accused, namely, Sunil Kumar filed a case *vide* Maniyari P.S. Case No. 140 of 2023, dated 02.05.2023 against the informant, his maternal uncle and others. It is further submitted that from perusal of the impugned order it is apparent that the Additional Sessions Judge, 3rd has noted the dispute as Civil dispute. Further, it is submitted that there is no specific allegation against the petitioner. Lastly, it has been submitted that he has one case against him.

5. Learned A.P.P. and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Maniyari P.S. Case



No. 134 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Learned Court No.3 of J.M. 1st Class (West) Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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