

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52660 of 2023

Arising Out of PS. Case No.-312 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Kanhaiya Kumar @ Basudeo Kumar Son Of Kedar Sah Resident Of Village
Patoura, Ps- Motihari Mufassil, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Ms. Rashmi Jha, learned counsel appearing on

behalf of the petitioner and learned Additional Public Prosecutor

for the State.

2. The petitioner apprehends his arrest in connection
with Muffasil P.S. Case No. 312 of 2023, registered for the
offences punishable under Sections
147,149,341,323,324,384,506 of the Indian Penal Code.

3. Allegedly, in the night of 22.04.2023, the informant
received a call, through which a demand of Rs. Five Lakhs was
made. The caller has disclosed his name Sunny Sarraf and
threatened the informant that if the amount will not be paid, he
would be done to death. It is further alleged that on the next day
co-accused Sunny Sarraf and six named accused persons and



15-20 unknown persons came to the house of the informant and brutally assaulted him by means of *lathi* and sharp cutting weapons. The accused persons also snatched cash of Rs.50,000/- and other valuables. When *hulla* was raised, the accused persons succeeded in fleeing away after leaving their motorcycles.

4. Learned counsel appearing on behalf of the petitioner submits that the specific allegation of demand of extortion has been levelled against co-accused Sunny Sarraf and moreover, any of the seized motorcycle does not belong to the petitioner. She next submits that even as per the narration of the FIR, the mobile phone which is said to have been used for the purposes of extortion call that does not belong to the petitioner. Only on account of village politics, the name of the petitioner has been implicated in this case. That apart, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court. She further submits that even the impugned order suggests that the informant has sustained two injuries; one on the right knee and another on the left elbow but surprisingly the nature of injury has not been mentioned which shows that the injuries are simple in nature.

5. On the other hand, learned counsel for the State



opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that there is no other material suggesting his complicity nor any of the motorcycle which is allegedly found at the place of occurrence belong to the petitioner, coupled with the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari at East Champaran in connection with Muffasil P.S. Case No. 312 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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