

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53508 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

Amit Thakur @ Sawan Kumar S/O Madho Thakur Resident Of Village
Rajaura Ward No 7 Ps S Kamal District Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

02. In the present case, the petitioner is apprehending his arrest in connection with S. Kamal P.S. Case No. 222 of 2022, registered on 16.08.2022, for the alleged offence under Sections 341, 323, 307, 325, 384, 379, 504, 34 of the Indian Penal Code.

03. As per prosecution case, co-accused Raj Babbar Yadav demanded extortion money from the informant and when the extortion money was not paid, the co-accused threatened the informant with pistol and also fired upon him but the shot missed him. Further, petitioner and other co-accused persons assaulted the informant and his family members with fists, slaps, *lathi* and *danda*.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The F.I.R. has been lodged after delay of two days, for which, there is no explanation. There is only general, vague and omnibus allegation against the petitioner and other co-accused persons and only specific allegation is against co-accused Raj Babbar Yadav, who fired upon the informant. The co-accused- Amit Sharma has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 23.03.2023 passed in Criminal Misc. No. 1142 of 2023. The case of the petitioner is on similar footing. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation against the petitioner without any corroborative fact and further considering the probability of false accusation, 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 bond of Rs. 20,000/- (Rupees Twenty Thousand



Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court in connection with S. Kamal P.S. Case No. 222 of 2022 subject to the condition 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)

Ashish/-

U		T	
---	--	---	--

