

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57558 of 2023

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

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Prince Kumar @ Prince Kumar Soni S/O Dilip Prasad @ Dilip Kumar Sony
R/O Village- Koluharwa, Ramma Pokhar, Ps. Town Motihari, Dist. East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 312 of 2023, registered for the offences under Sections 147, 149, 341, 323, 324, 384 and 506 of the Indian Penal Code.

3. As per prosecution case, co-accused Sunny Sarraf demanded extortion money of Rs. 5,00,000/- from the informant and non-fulfillment of the demand he attacked the house of the informant along with petitioner and other co-accused persons. They took away Rs. 50,000/- cash and a gold chain from the informant. While fleeing away from the spot the assailants left behind five motorcycles at the house of the informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Learned counsel further submits that the informant deals with real estate business and some dispute arose between the informant and co-accused Sunny Sarraf who were earlier friends. The dispute was related to some money transaction and a panchayat was being held where the said occurrence took place. Petitioner resides at a nearby place and his motorcycle was there and on the basis of presence of motorcycle the name of the petitioner dragged in this case. Petitioner is a student doing Graduation and he is having clean antecedent. There is no allegation of any overt act against this petitioner and whatever be the allegation, the same is against co-accused Sunny Sarraf. Learned counsel further submits that similarly placed co-accused persons have been granted anticipatory bail by different Co-ordinate Benches of this Court vide order dated 11.08.2023 passed in Cr. Misc No. 48214 of 2023 and order dated 23.08.2023 passed in Cr. Misc. No. 49883 of 2023.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner submitting that the petitioner is named in the FIR along with other co-accused persons.



7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation against the petitioner for any overt act and further considering the grant of anticipatory bail to similarly placed co-accused persons, 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 bonds of Rs. 20,000/- (Rupees Twenty thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court in connection with Muffasil P.S. Case No. 312 of 2023, subject to the conditions as 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)

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