

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61698 of 2023

Arising Out of PS. Case No.-190 Year-2023 Thana- BANKA District- Banka

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1. Kunal Kumar Sah@Kunal Sah@ Kunal Kumar Son Of Ashok Sah Resident Of Behind Of Purani Hospital, Police Station -BANKA, District -BANKA
 2. Vikram Yadav @ Raj Kumar Son Of Laddu Yadav R/O Village - Majlishpur, P.S.- Banka, Distt- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 Heard Mr. Ajay Mukherjee, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Banka P.S. Case No. 190 of 2023, registered for the offences punishable under Sections 341, 323, 504, 506, 308 and 185/34 of the Indian Penal Code.

3. Allegedly, the petitioners assaulted the informant by means of bottle, causing injury on his head. The reason behind the occurrence is said to be non-fulfillment of the extortion money of Rs. 20,000/-.

4. Learned counsel appearing on behalf of the



petitioners submits that the present case is nothing but a counter blast of Banka P.S. Case No. 189 of 2023, instituted by the petitioners' side. He further drew the attention of this Court to the injury report, which is marked as Annexure – 2 to the petition and with reference thereto, he submits that the injury sustained to the informant is simple in nature. He next submits that both the parties are businessman and their shops are situated in the market and on account of business rivalry, some scuffle took place, which resulted into lodging of the case and counter case. That apart, he submits that so far the petitioner no. 1 is concerned, he has fair antecedent whereas, the petitioner no. 2 bears a criminal antecedent, on which he is on bail. He next submits that the petitioners are businessman, commanding respect to the society and they undertakes that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that specific allegation has been levelled against both of them, who assaulted the informant by means of bottle, which may cause grievous injury also.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation and the fact that the injuries are simple in nature, apart from the case and counter case, let the petitioners above named be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 190 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 petitioners.

(Harish Kumar, J)

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