

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62482 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- KARPURIGRAM District- Samastipur

Subham Kumar Jha @ Sonu Jha Son Of Arun Kumar Jha Resident Of
Village- Tajpur, Ratanpur, Ps- Karpurigram, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Om Prakash Upadhyay, Advocate
For the Opposite Party/s :	Mr. Arun Kumar Singh, APP
For the Informant :	Ms. Shweta Burnwal, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 06-12-2023 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 Karpurigram P.S. Case No. 37 of 2023, registered on 13.05.2023, for the alleged offence under Sections 147, 148, 447, 307, 504, 506, 385, 386 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, the petitioner and his father used to come to factory of the informant and further used to demand Rs. 10,000/- as extortion money. They used to threaten the informant that they would kill his family. On the fateful day, the petitioner and his father along with 25-30 unknown persons, who were variously armed, came to the factory of the informant and the petitioner fired upon the informant.



04. 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. The true facts of the case are that the informant's grandfather was two brothers and one of them is issue-less. The mother of the petitioner is grand-daughter of one of the brothers and there is land dispute between the informant and the family of the petitioner since two sale-deeds were executed by the issue-less brother of grandfather of informant in favour of petitioner's mother and father, respectively. In this context, the allegation for demand of extortion by the petitioner is not believable as the petitioner is nephew of the informant. No injury has been received by any person, though allegation of firing was there but no empty cartridges were recovered from the place of occurrence. Thus, there is no application of Section 386 of the IPC and 27 of the Arms Act. 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 background of land dispute and further considering the lack of



substantive material against the petitioner to connect him with the offences as alleged, 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/concerned court, Samastipur in connection with Karpurigram P.S. Case No. 37 of 2023, 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)

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