

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23670 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- BAIRIYA District- West Champaran

- 1. Pradip Kumar Sharma Son of Late Kanhaiya Sharma Resident of Village- Bagahi Badhaiya Tola, P.S.- Bairiya, Dist.- West Champaran
- 2. Laddu Sharma @ Anupam Kumar Son of Late Kanhaiya Sharma Resident of Village- Bagahi Badhaiya Tola, P.S.- Bairiya, Dist.- West Champaran
- 3. Shiv Kumar @ Shiv Sharma Son of Late Kanhaiya Sharma Resident of Village- Bagahi Badhaiya Tola, P.S.- Bairiya, Dist.- West Champaran
- 4. Harendra Sharma Son of Late Bagar Sharma Resident of Village- Bagahi Badhaiya Tola, P.S.- Bairiya, Dist.- West Champaran
- 5. Maksudan Sharma @ Madhusudan Sharma Son of Late Bagar Sharma Resident of Village- Bagahi Badhaiya Tola, P.S.- Bairiya, Dist.- West Champaran
- 6. Udeep Kumar Sharma @ Udip Sharma Son of Maksudan Sharma Resident of Village- Bagahi Badhaiya Tola, P.S.- Bairiya, Dist.- West Champaran
- 7. Raju Ranjan Sharma Son of Maksudan Sharma Resident of Village- Bagahi Badhaiya Tola, P.S.- Bairiya, Dist.- West Champaran
- 8. Mandeep Sharma @ Sandeep Kumar @ Mandeep Kumar Son of Not Given Resident of Village- Bagahi Badhaiya Tola, P.S.- Bairiya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2024 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. appearing for the State.

02. In the present case, the petitioners are
apprehending their arrest in connection with Bairiya P.S. Cae
No. 161 of 2023, registered on 06.06.2023 for the offences

under Sections 341, 323, 379, 384, 504, 506 and 34 of the Indian Penal Code.

03. As per the prosecution case, the petitioners asked the informant to withdraw the case of murder of his father which was pending before the Hon'ble Supreme Court and when the informant refused, petitioner no. 1, Pradeep Kumar Sharma, demanded Rs.5 lakh as extortion money from him. On further refusal of the informant, the informant was threatened with life and petitioner no. 4 Harendra Sharma caught hold of him and petitioner no. 2, Laddu Sharma took out Rs.5000/- from the pocket.

04. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Informant used to repeatedly file false case against the petitioners who are all family members and when the police submitted final form after investigation, the informant again lodged the present case. In the murder case as mentioned in the F.I.R, petitioner no. 4 & 5 were accused but they were acquitted by learned trial court and this Court as well. The informant lodged the case only on suspicion that the petitioners were involved in the murder of his father. In order to extract the revenge, false case has been lodged by the

informant. Since the appeal before the Supreme Court is against acquittal, as the petitioner nos. 4 & 5 have already been acquitted, there no question of pressurizing the informant for withdrawal of the appeal. The F.I.R. has been lodged after delay of two day for which no explanation has been given. The allegations are completely vague and not believable. The petitioner nos. 1 & 7 have got fair antecedents whereas, petitioner nos. 2, 3, 4, 5, 6 & 8 are having criminal antecedents. Petitioner nos. 4 & 5 are having criminal antecedents of two case whereas, other petitioners are having criminal antecedent of one case. In one of the cases, petitioner nos. 4 & 5 have been acquitted and the other case has been lodged by the informant of this case and the petitioners are on bail.

05. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners.

06. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the strong possibility of false implication in the background of the previous cases of the party, let the petitioners above named, in the event of their 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.10,000/- (Rupees Ten Thousand

Only) each with two sureties of the like amount each to the satisfaction of learned Bairiya P.S. Cae No. 161 of 2023, in connection with learned A.C.J.M.-III, West Champaran, 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 petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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