

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35447 of 2024

Arising Out of PS. Case No.-758 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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1. Vikash Kumar, Son Of Nand Lal Prasad, Village -TELIYA Patti, Ward No. 3, Ps- Motihari Town, Dist- East Champaran
 2. Chandan Kumar @ Praveen Kumar Chandan, Son Of Nand Lal Prasad, Village -TELIYA Patti, Ward No. 3, Ps- Motihari Town, Dist- East Champaran
 3. Vishal Kumar @ Vishal Kuamr Gupta, Son Of Nand Lal Prasad Village -TELIYA Patti, Ward No. 3, Ps- Motihari Town, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Gupta, Advocate
For the Opposite Party/s :	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Motihari Town P.S. Case No. 758 of 2023, registered on 23.11.2023 for the offences under Sections 447, 448, 341, 323, 385, 379, 504, 506, 342/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other unknown co-accused persons threatened the informant with gun and assaulted him and also tried to abduct the informant. Further allegation against the petitioners is that they have been



demanding extortion money from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The informant has been running dental clinic where the father of the petitioners was taken for treatment and the petitioners made payment of Rs. 13,000/- for removal of old teeth and preparation of setting a new teeth. However, the informant kept dilly delaying and did not treat the father of the petitioners for which an altercation took place and the informant returned Rs. 3,000/- online into the account of the petitioner no. 1 but the rest of the money was not returned and hot exchange of words took place and both sides lodged the cases against each other. The petitioners have no criminal antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners. Learned APP submits that there is specific allegation against the petitioners as they threatened and assaulted the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of dispute and also considering the clean antecedent of the petitioners coupled with probability of false accusation, 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 Chief Judicial Magistrate, Motihari, East Champaran/concerned court in connection with Motihari Town P.S. Case No. 758 of 2023, subject to the condition 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 petitioners.
- (ii) The petitioners 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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