

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66763 of 2024

Arising Out of PS. Case No.-232 Year-2024 Thana- SIMRI District- Buxar

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Himanshu Kunwar @ Bhuteli @ Himanshu Kumar Son of Late Sigasan
Kunwar Village- Dumari, Ps- Simri, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-10-2024 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 Simri P.S. Case No. 232 of 2024 registered for the alleged offences under Section 341, 307, 384, 379, 427, 504 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons came to the land of the informant and the petitioner tried to run over the informant by his tractor and damaged the motorcycle of the informant. Further allegation against the petitioner is that he snatched a chain of the informant worth Rs. 80,000/- on gun point and demanded Rs. 25,000/- as extortion.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. There is land dispute between the parties and the parties are agnates. The informant side destroyed the standing crop of the petitioner and one of the members of the informant's family damaged his own motorcycle and falsely implicated the petitioner in this case. The petitioner has lodged Simri P.S. Case No. 233 of 2024 against the informant and his family members. From the facts of the case no offence under Section 307, 379 and 384 of the Indian Penal Code is made out as the story is not believable. There is no injury caused to the informant and allegation of snatching chain or demanding extortion is false and frivolous. If the petitioner was carrying *katta* and there is no overt act on the life of the informant by the petitioner, this shows the falsity of allegation. The petitioner is having antecedent of three cases in which he has been granted bail.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case of the parties and further considering lack of material showing attempt on life of the informant and also considering the possibility of false accusation, 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. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned C.J.M., Buxar in connection with Simri P.S. Case No. 232 of 2024, 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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