

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17787 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- BARABAR TOURIST District-
Jehanabad

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1. Manohar Kumar @ Manmohan Kumar Son of Munarik Yadav Resident of Village - Aaudan Bigha, P.S. - Vishunganj (Barabar Paryatan), District – Jehanabad.
 2. Tappu Kumar Son of Sitaram Yadav Resident of Village - Aaudan Bigha, P.S. - Vishunganj (Barabar Paryatan), District – Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Barabar Tourism (Barabar Paryatan) (Vishunganj) P.S. Case No. 122 of 2024 registered for the alleged offence under Sections 191(2), 190, 115(2), 126(2), 109, 303(2), 352 of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, while the informant had been going to his new house, the petitioner-Manohar Kumar, who is a co-villager of the informant, threatened him with revolver and demanded Rs. 10,000/- as extortion money. When



the informant refused, he fired upon him but the shot missed the informant. Thereafter, petitioner-Tappu Kumar came there with a rod and hit the informant on his head with the rod, causing its fracture. When the sister-in-law of the informant intervened, she was hit with a chip of stone by co-accused Birjan Kumar, causing bleeding injury. Other co-accused persons assaulted the younger brother of the informant with iron rod and they also snatched earrings and gold chain from the wife of the informant.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners are co-villagers of the informant and it is not believable that extortion demand was being made from the informant. The entire allegations are false and concocted and there is no truth in it. The FIR has been lodged after 24 hours and there is no proper explanation for the delay. There is a counter version, the brother of the petitioner no. 2 has lodged Barabar Paryatak P.S. Case No. 124 of 2024 against the present informant and others for the occurrence took place on 22.12.2024 with him and his wife under Sections 126(2), 115(2), 352, 74, 3(5), 351(2) of BNS. Learned counsel further submits that no gunshot injury has been found to the informant for which allegation is against petitioner no. 1 and the allegation



against petitioner no. 2 is that of hitting on the head of the informant by rod but the injury is found to be simple in nature. Similarly, the injury report of the sister-in-law of the informant also shows a simple injury though it is a lacerated wound on left frontal region of scalp size 5cm x 2cm x depth up to bone. Learned counsel further submits that the FIR has been lodged on the basis of false story and there is no legal evidence to connect the petitioners with the offences as alleged. The petitioner no. 2 has got no criminal antecedent and petitioner no. 1 is having antecedent of one case in which he is on bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that there is specific allegation against these petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the improbable nature of allegation and also considering the simple nature of injuries, 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 Judicial Magistrate 1st Class,



Jehanabad/court concerned in connection with Barabar Paryatan (Vishunganj) P.S. Case No. 122 of 2024, subject to the condition laid down under Section 482(2) of BNSS 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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