

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No.39589 of 2014

Arising Out of PS.Case No. -28 Year- 2012 Thana -KOTWALI District- PATNA

1. Birendra Prasad Son of Bachu Prasad  
2. Sudhir KUMar Jha Son of Late Apurva Jha Both resident of village -  
Orampaura, Police Station Udit Nagar, Rourkela, District- Sundargarh  
(Odisha).

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha  
For the Opposite Party/s : Mr. Akbar Ali (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA  
ORAL ORDER

3 19-03-2015 Heard both sides.

The petitioners apprehend their arrest in Kotwali P.S.  
Case No. 28 of 2012 registered for the offences punishable under  
Section 387 and 34 of the Indian Penal Code.

The informant Neeraj Kumar Kamalia stated in his  
statement that Birendra Prasad, petitioner no. 1, was employed as  
a clerk in his company. Birendra Prasad after some days



demanded money to meet the expenses of offices. Thereafter, he again demanded Rs. 50 Lac and also requested the informant to make him partner in his business. The informant further alleged that one Sandip Kumar Yadav, who happens to be the staff, uses his mobile and abused and demanded extortion. The informant alleged that petitioner no. 2, who happens to be brother-in-law of petitioner no. 1, is also involved in demanding extortion.

Learned counsel for the petitioners submits that all the allegations are false and concocted. It appears from bare perusal of contents itself that petitioner no. 1 was employee of the informant. The informant gave legal notice to the petitioners in which he alleged that petitioners had taken many papers i.e Files, Challan deposits, Vakalatnama, Blank paper, Notice and Memorandum of Articles of firm, letters, Sell registers & purchases register etc. It appears that on account of dispute between the informant and petitioner no. 1, informant filed this case making allegation of demand of extortion, even during the course of investigation, police found that allegation of demand of extortion is false.

Considering the facts aforesaid, the petitioners, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on anticipatory bail on

furnishing bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No 28 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



**(Prabhat Kumar Jha, J)**

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