

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 51242 of 2014

Arising Out of PS.Case No. -45 Year- 2012 Thana -KOTWA District- EAST CHAMPARAN
(MOTIHARI)

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1. Rajendra Rai Son of Late Sani Rai.
2. Moti Lal Rai @ Moti Rai Son of Late Harihar Rai.
Both Resident of Village Taraiya, P.S. Kotwa, District -East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 21.05.2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Kotwa P.S.
Case No. 45 of 2012 dated 22.02.2012 instituted under
Sections 384/406/323/504/341/307 of the Indian Penal
Code.

The allegation against the petitioners are that
petitioner no. 1 got sale deed executed by the uncle of the
complainant in the year 2004 but Rs. 31,000/- was not paid
and later on when the complainant/informant had gone to ask
for the same he was beaten up and was abused, assaulted and
released only after taking Rs. 40,000/- as extortion and the
petitioner no. 2, who is cousin to petitioner no. 1 is party to
the same.

Learned counsel for the petitioner submits that
it is unbelievable that for transaction completed in the year

2004, the matter was being raked up in the year 2012 and that too after death of the person who had executed the sale deed. Learned counsel submits that the allegation of abuse, assault and further taking of Rs. 40,000/- as extortion is a cosmetic addition in order to force petitioner no. 1 to return the land to the complainant. It is further submitted that it is unbelievable that a person who is going to ask for the due amount of Rs. 31,000/- would take with him Rs. 40,000/- to pay as extortion and further there is no explanation as to why the police was not informed. It is submitted that the petitioners have no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sadar Motihari, East Champaran in Kotwa P.S. Case No. 45 of 2012, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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