

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42186 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Samrendra Kumar @ Sonu @ Amrendra Kumar Sonu S/o - Dhanya
Atma Prasad Mehta R/o Mohalla - Sahu Road Purani Bazar, P.S. - Town,
District - Muzaffarpur. Petitioner/s

Versus

1. The State of Bihar.
2. Ganesh Prasad S/o - Ram Sagar Shah R/o at Motijheel, Baishakhi Ram
Lane, P.S. - Town, District - Muzaffarpur. ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Jyotsna Rani Mishra

For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 05-12-2016 Heard the learned counsel for the petitioner, the

learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioner apprehends his arrest in Town P.S.
case No. 18 of 2016 under Section 406, 420, 384, 323, 341, 504,
120B of the Indian Penal Code.

The informant alleged that Dhanya Atma Prasad
talked with informant to sale a piece of land on account of illness
of his wife. His wife had given power of attorney in the name of
his second son, Ashwani Kakkar. Rupees 30, 51,000/- was fixed
as consideration amount. The informant advanced Rs. seven lacs
and deed of agreement to sale was to be executed with regard to
330 sq. ft. of land but wife of informant died. The petitioner, who
happens to be 3rd son of the Dhanya Atma Prasad, also intervened
and demanded extortion.



The learned counsel for the petitioner submits that petitioner did not execute any sale deed nor any agreement was arrived at between the petitioner and informant. Father of the petitioner had agreed to sale the land and if the petitioner has received considerable amount of consideration money of his own share, he is ready to execute the sale deed.

The learned counsel for the informant as well as the learned Additional Public Prosecutor, however, opposed the prayer for anticipatory bail.

It appears that petitioner never executed any deed of agreement to sale nor received any money.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in Town P.S. Case No. 18 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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