

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5399 of 2018

Arising Out of PS.Case No. -492 Year- 2017 Thana -GANDHIMAIDAN District- PATNA

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1. Brahmanand @ B. N. Singh S/o Prem Mohan Singh, Aged about 34 Years, R/o Flat No. 12, Panchavati Apartment, Punaichak, P.S.- Shashtri Nagar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raju Kumar Singh, S/o Uday Pratap Singh, At + P.O. - Beradaud Village- + P.S.- Paru, Muzaffarpur (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dayanand Singh

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 07-02-2018 Heard both sides.

The petitioner apprehends his arrest in Gandhi Maidan P.S. Case No.492 of 2017 registered under Sections 147, 148, 149, 341, 323, 379, 307, 387, 504 and 506 of the Indian Penal Code.

The informant, Raju Kumar Singh, alleged that he wanted to run the closed sugar factory on investment of Rs.40 crores and for this he invited Sr. Officers of M/s Spray Engineering Devices Ltd., Chandigarh. It is alleged that the petitioner and others demanded 10 per cent extortion amount of Rs.40 crore from Vivek Verma, C.M.D. of the Company. The informant further alleged that on 16.10.2017 while he and other officers of the company were present in room no.305 of hotel Panache, petitioner is alleged to have assaulted the informant and



Awadhesh Kumar.

The learned counsel for the petitioner submits that petitioner is the ex.-Member of Bihar Legislative Assembly from Paru, but he lost the election in the year 2015. Sri Prem Mohan Singh signed a memorandum of understanding with Dr. Sanjeev Kumar s/o Sri Uday Pratap Singh, the brother of the informant, for investment in Vaishali Kishan Sugar Mills itself. Some dispute arose earlier to this case. Prem Mohan Singh, father of the petitioner, filed complaint case No.1426(C) of 2012 against Rana Rajesh Kumar, Managing Director of M/s Vaishali Kishan Sugal Mills and Sri Sanjeev Singh, brother of the informant and informant for cheating and for bouncing of cheque. The petitioner was granted anticipatory bail on the date of occurrence. The informant got anticipatory bail. It is submitted that all the allegations are false and concocted.

On the other hand, the learned counsel for the informant and the learned Addl. P.P. vehemently opposed the prayer for anticipatory bail.

On perusal of the record, it appears that the petitioner is the son of Prem Mohan Singh. The informant Raju Kumar Singh is thebrothr of Dr. Sanjeev Singh who entered into a memorandum of understanding for investment in sugar factory but some dispute arose between the two sides. Prem Mohan Singh, the father of the petitioner earlier filed Complaint Case No.1426(C) of 2012. Prem Mohan Singh alleged that he entered into the agreement and memorandum of understanding with the accused persons on 2.10.2009. The complainant invested 29 lakhs



and the accused persons invested 71 lakhs. Some dispute arose between the two sides. The informant got anticipatory bail in Complaint Case No.1426(C) of 2012 on 03.04.2017. It appears that on account of dispute for investment in Viashali Kishan Sugar Mills, this case and counter case has been lodged.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, 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 learned Sub Judge-VI-cum-A.C.J.M., Patna in connection with Gandhi Maidan P.S. Case No.492 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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