

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1719 of 2018

Arising Out of PS. Case No.-78 Year-2017 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

1. Manoj Yadav.
 2. Binod Yadav,
 3. Pappu Yadav,
- All Sons are Late Fanilal Yadav, All are Resident of Village- Nishiharpur Tola, Tapra, P.S. Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Birendra Yadav, Son of Late Dukha Yadav, resident of Village- Nishiharpur Tola, Topra, P.S. Shankarpur, District- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 504, 379 and 384/34 of the Indian Penal Code.

The prosecution case as per the complainant, Birendra Yadav, is to the effect that on 04.02.2017 at 6.00 PM, the complainant was returning home from Lalpur village after withdrawing Rs.19000/- from the bank, on the way the petitioners came on a Hero Honda motorcycle and surrounded



the informant and demanded Rs. 50,000/- as extortion and threatened him of dire consequences, but when the complainant declined to give extortion, then, petitioner no.1, Manoj Yadav took out a pistol and aimed the same on the chest of the complainant and thereafter, petitioner nos. 2 and 3 namely Binod Yadav and Pappu Yadav picked out Rs. 18000/- from the pocket of the complainant.

It is submitted by learned counsel for the petitioners that the complainant is the own uncle of the petitioners and the mother of the petitioners had earlier filed Shankarpur P.S. Case No.132 of 2016 with accusation under Sections 341, 323, 354A, 379, 504 and 506/34 of the Indian Penal Code on 10.12.2016 against the complainant and his witness Nitilal Yadav, and hence, as a retaliatory measure the present case has been lodged. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that there is specific accusation against these petitioners.

Considering the case lodged by the petitioners' side at earlier point of time and for the occurrence of 04.02.2017, the complaint was filed on 17.02.2017, coupled with statement made in paragraph no.3 of the petition that the petitioners are



not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-V, Madhepura, in connection with Complaint Case No. 78 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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