

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15536 of 2019

Arising Out of PS. Case No.-911 Year-2018 Thana- MASAUDHI District- Patna

1. SATYENDRA KUMAR, aged about 55 years, Male, Son of Late Yaduveer Singh
2. Rahul Kumar, aged about 25 years, Male, Son of Satyendra Kumar
3. Gaurav Kumar, aged about 22 years, Male, Son of Satyendra Kumar
All Resident of Main Road Masaurhi, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satrudhan Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioners, Mr. Pramod Kumar Singh, learned counsel for the informant and the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in Masaurhi P.S. Case No.911 of 2018 registered under Sections 341, 323, 387, 379, 506 and 34 of the Indian Penal Code.

The informant in sum and substance alleged that after the death of his father, the property was partitioned among two brothers but his brother, Satyendra Kumar does not want to give the informant his proper share. When the informant went to Rahul Market to collect rent from ten shops which fell in his share, the petitioners, who were father and sons, demanded



extortion. Petitioners assaulted the informant and also took Rs. 3500/- from his pocket.

The learned counsel for the petitioners submits that the petitioners are own brother and nephews of the informant. There is a dispute with regard to partition of property. The shops fell in the share of the petitioners but the informant wanted to collect rent from the shopkeepers. Some verbal altercation took place but the informant made the allegation of demand of extortion and theft of money which are ornamental.

Learned counsel for the informant on the other hand with full force on his command objected anticipatory bail of the petitioners and submitted that it is a glaring example that how the elder brother behaves with his younger brother in order to grab the share of his younger brother. Even the nephews who are like sons of the informant also assaulted the informant.

It appears that the informant and petitioner no.1 are own brother. Of course, there is allegation that the petitioners demanded extortion and assaulted the informant but it appears that on account of land dispute both the brothers entered into quarreling.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the



court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand)each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Masaurhi, District-Patna in connection with Masaurhi P.S. Case No.911 of 2018(G.R. No.1467 of 2018), 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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