

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26185 of 2020

Arising Out of PS. Case No.-159 Year-2019 Thana- MATIHANI District- Begusarai

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1. DHARMENDRA KUMAR @ MINTU SINGH Son of Ram Prakash Singh Resident of Village- Khorampur, P.S.- Matihani, District- Begusarai.
 2. Amrendra Kumar Singh Son of Ram Prakash Singh Resident of Village- Khorampur, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar,, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Amit Kumar Rakesh, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

Heard learned counsel for the petitioners and learned



APP for the State.

Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Matihani P. S. Case no. 159 of 2019 instituted for the offence under Sections 341, 323, 384, 420, 504 and 506/34 of the Indian Penal Code.

The allegation against the petitioner No.1 in the F.I.R. is that earlier he was managing the affairs of the informant's enterprise and after he ceased to be an employee he has not returned the articles which was in his possession. It is further alleged that on 03.09.2019, the petitioner No.1 has threatened the informant and demanded extortion. Second demand of extortion is alleged on 23.09.2019. Lastly, it is alleged that petitioners, who are brothers, have assaulted the informant.

The learned counsel for the petitioners submits that based on dispute, regarding outstanding dues, on account of salary in favour of the petitioner No.1, they have falsely been implicated in the instant case. The demand of extortion is incoherent and self contradictory in the FIR itself where two different amounts



are mentioned. The FIR has been lodged on 09.10.2019 when the last allegation of extortion is dated 23.09.2019. It is further submitted that falsity of the allegation would be evident from the fact that in a rather exhaustive FIR allegations pertaining to a year back has also been included. Both the petitioners are brothers and they have been implicated in the instant case. The specific assertions of the petitioners is that they bear a clean past and there is no criminal antecedents of the petitioners.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-Xth, Begusarai in connection with Matihani P. S. Case No. 159 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to



how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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