

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43018 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- AMARPUR District- Banka

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Birendra Kumar Yadav @ Dhiba @ Dhiba Yadav Son of Nakul Yadav
Resident of Village - Kenduwar, P.S.- Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Amarpur P.S. Case No. 79 of 2022 registered for the offences
punishable under Sections 341, 323, 384, 385, 427, 504, 506 of
the Indian Penal Code.

As per the prosecution, the informant has alleged that
this petitioner along with three other unknown persons came at
the shop of the informant and demanded extortion of Rs. 2 lacs
on a gun point and also assaulted the informant and threatened
to kill him.



The main submissions advanced by learned counsel Mr. Vivekanand Vivek for the petitioner are that the alleged offence of Section 384 IPC is not made out as the FIR itself shows that in furtherance of extortion demand no money was delivered by the informant to the accused persons and the alleged offence of Section 385 of IPC which may attract in this case is a bailable offence, in fact the alleged occurrence is completely false and the same has been lodged due to land dispute running in between the informant and a relative of the petitioner and in this regard Annexure 2 has been filed.

Learned APP Mr. Chandra Bhushan Prasad appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. Having considered the above submission and mainly above mentioned land dispute running in between the informant and a relative of the petitioner and also the fact that in furtherance of alleged extortion demand no money or any type of property was delivered and the petitioner has been languishing in jail since 04.06.2022, in my view a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of



concerned Court in Connection with Amarpur P.S. Case No. 79
of 2022.

(Shailendra Singh, J.)

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