

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34292 of 2016

Arising Out of PS.Case No. -2383 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Ram Janam Sharma son of Bujharat Sharma, R/o- Gulab Bahg (near
Jawahar Kanya Uchh Vidyalay), P.S.- Sadar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Subhash Chandra Sharma, son of Sri Ram Awadh Sharma, R/o Village-
Gulab Bagh, (Near Jawahar Uchh Vidyalay), P.S.- Sadar, District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh
Mr. Pramod Kuamr Mallick

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

4 21-12-2016 Heard Sri N.K. Agrawal, learned senior counsel assisted
by Dr. Bidhu Ranjan , learned counsel for the petitioner , learned
Additional Public Prosecutor as well as Sri Pramod Kumar
Mallick, learned counsel who has appeared on behalf of the
complainant/opposite party no. 2 .



By way of referring to the order dated 23.9.2016 learned senior counsel for the petitioner submits that keeping in view the nature of dispute in between the parties earlier the matter was referred to Mediation & Conciliation Centre of the Patna High Court however , dispute in between the parties has finally not settled and again it has been returned back by the Mediator vide its report kept at flag 'M'. Learned counsel for the petitioner submits that petitioner is none else but the cousin brother of the complainant and in the complaint petition dispute has been raised by the complainant that despite the fact that a piece of land was sold the entire consideration amount was usurped by the petitioner, only a lesser amount of Rs. 1000000/- was given to the complainant . He submits that in sum and substance the allegation appears to be civil in nature .

Learned Additional Public Prosecutor as well as Sri Mallick have opposed the prayer and it has been argued that even in such dispute the complainant was having both remedy i.e. to initiate criminal case as well as to file civil case.

However considering the facts and circumstances of the present case as well as the fact that petitioner and complainant are close relative and the nature of accusation, there is no reason to refuse privilege of anticipatory bail. Accordingly in the event



of arrest or surrender within a period of six weeks from today, let the petitioner Ram Janam Sharma be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnea / concerned court in connection with Complaint Case No. 2383 of 2015 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure 1973 .

(Rakesh Kumar, J)

Praful/-

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