

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32874 of 2016

Arising Out of PS.Case No. -289 Year- 2015 Thana -KOTWALI District- PATNA

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Afzal Hussain @ Md. Afzal Hussain, Son of Md. Mushrafuddin, resident of
House No.3 Fedral Colony Sector, P.S.- Phulwarisarif, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Vijay Anand, Advocate

For the S t a t e : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 29-08-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State. Learned
counsel for the informant is also present.

The petitioner is apprehending his arrest in
connection with Kotwali P.S. Case No.289 of 2015 registered
for the offence under Sections 147, 149, 448, 379, 504 and 506
of the Indian Penal Code.

Case diary had been called for on the earlier
occasion, which has since been received.

After hearing the learned counsel for the petitioner
and the learned counsel appearing for the informant, it appears
that there was serious dispute with regard to the payment of
rent of the flat leased out by the petitioner to the informant. It



is further evident from the submissions advanced by the informant that a sizeable amount has been invested by him towards the development of the leased premises, which was sought to be recovered from the rent, which was due to the petitioner. The present case came to be filed only because the petitioner started demanding his rent from the informant, which was resisted by him as he had invested the aforementioned amount.

It is submitted by the learned counsel for the informant that though arms were recovered from the men set up by the petitioner and that they were apprehended at the place of occurrence itself, the police illegally let them off which necessitated the informant to move the D.I.G. for interference, after which the present case was registered. The diary, however, does not indicate any such seizure list.

Learned counsel for the petitioner after perusal of the case diary submits that the present case was the result of the informant's conduct in not making payment of rent to the petitioner. The independent witness has stated that when the rent started being demanded, the informant declined to pay the same which resulted in frequent fights between the parties.

After consideration of all the facts and

circumstances, it appears that there is a *bona fide* dispute regarding payment of rent between the parties which has resulted in the lodging of the present F.I.R.

In view of such facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna, in connection with Kotwali P.S. Case No.289 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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