

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10344 of 2016

Arising Out of PS.Case No. -28270 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Smt. Shalu Singh @ Nitu Singh wife of Sumit Dayal Singh
 2. Sumit Dayal Singh son of Late Swami Dayal Singh.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. S.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2016

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 379 and 504 of the Indian Penal Code.

The prosecution case is that the petitioners being the landlord came to the shop of the complainant being the tenant, made assault to the complainant and snatched ₹5,000/-.

It appears that the learned Sessions Judge disposed of the anticipatory bail application of the petitioners vide order dated 30.01.2016 in view of the ratio laid down in the case of **Salim Ansare @ Md. Salim Ansare and Others Vs. The State of Bihar & Another** reported in **2015 (3) PLJR, 806 (Cr. Misc. No. 51075 of 2014)** since only the summons were issued.



It is submitted by learned counsel for the petitioner that inadvertently it was not brought to the notice to the learned Sessions Judge that non-bailable warrant of arrest has been directed to be issued on 29.01.2016, the said order has been brought on record. Thereafter, the petitioner moved before the learned Sessions Judge again with a prayer for anticipatory bail but the same was also disposed of on the ground that warrants were issued subsequent to the dismissal of the earlier bail application but the same is error of record.

It is submitted by learned counsel for the petitioner that it is an error of record committed by learned Sessions Judge. The accusation has been levelled in the background of tenancy dispute when the complainant himself admitted that he has filed BBC Case No. 101 of 2013 for dispute with regard to tenancy. Petitioners' side lodged two cases against the complainant being Jakanpur P.S. Case No. 54 of 2014 and 246 of 2014 prior to the present case. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering the accusation levelled in the background of tenancy dispute between the parties and the cases lodged by the petitioners' side at earlier point of time, let the above named petitioners be released on anticipatory bail, in the event of arrest or

surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Patna in connection with Complaint Case No. 28270C of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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