

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34741 of 2016

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

Ishrat Hussain Wife of Afzal Hussain resident of House No. 3 Fedral Colony Sector, P.S. Phulwarisarif, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-08-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with Kotwali P.S. Case No. 289/15 for offences alleged under Sections 147, 149, 448, 379, 504, 506 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that he took the shop of the petitioner on rent vide deed of rent dated 17.06.2014 for a period of five years. It is alleged that on 26.05.2015 accused petitioner along with some miscreants variously armed with rifle and pistol entered the shop of the informant and took away Rs. 62,000/- and also two Samsung mobile phone. On information police came there and took away the petitioner and others. It is further alleged that after

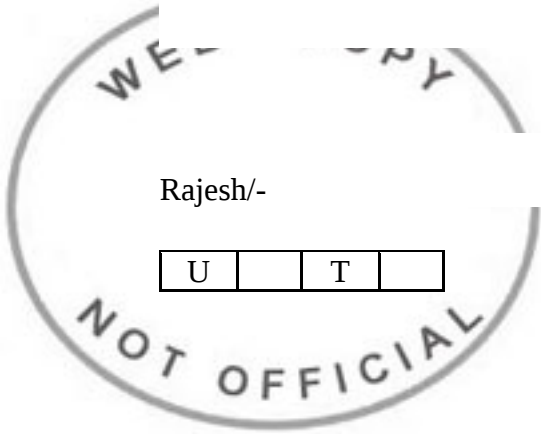
release from the police station petitioner has threatened the informant of dire consequences.

It has been submitted by the learned counsel for the petitioner that there is admitted landlord and tenant relationship between the petitioner and the informant and it was agreed by a registered agreement that the tenant-informant would pay a sum of Rs. 1,55,000/ per month to the petitioner in pursuance to the said agreement, but since January, 2015 informant has not paid monthly rent. It has further been submitted that the earlier case i.e. Kotwali P.S. Case No. 273 of 2015 has also been instituted at the behest of the informant and just on the pretext of non-payment of rent false cases are being instituted against the petitioner, who is the landlord and a lady.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the matter relates to civil dispute, let petitioner, above named, in the event of her arrest or surrender before the court below within a period of eight weeks from today, 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 learned Chief Judicial Magistrate, Patna, in

connection with Kotwali P.S. Case No. 289/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.



(Nilu Agrawal, J.)