

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34934 of 2017

Arising Out of PS.Case No. -267 Year- 2016 Thana -BIHTA District- PATNA

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1. Balendu Sharma Son of Late Ram Shakal Shrma, R/o Village- Painal,
P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, advocate

For the Opposite Party/s : Mr. Sri Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 16-08-2017

Heard both sides.

The petitioner apprehends his arrest in Bihta P.S.
case No. 267 of 2016 for the offences punishable under Section
406, 420, 323, 504, 506, 427 of the Indian Penal Code.

The informant alleged that he had taken the building
of the petitioner for running a school. There was an agreement in
between the petitioner and informant. It was also agreed that if the
school requires further building the cost of construction shall be
shared by the informant and the petitioner, owner of the land, in
equal proportion. The informant further alleged that petitioner
took money but did not make repair of the school building rather
kept the articles of the school.

The learned counsel for the petitioner submits that
the entire allegation is false and concocted. Annexure-2 is the deed



of agreement which shows the terms and conditions of the tenancy. The petitioner constructed the house but the informant did not pay half share of the construction amount. Some dispute arose on account of payment of rent that is why this case has been lodged.

Considering the fact that petitioner is the land lord and the informant entered into an agreement for tenancy for running a school in the building of petitioner, the petitioner above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged 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 Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta P.S. case No. 267 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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