

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46858 of 2017

Arising Out of PS.Case No. -270 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Mrs. Rekha Singh @ Rekha Singh, Wife of Late Jyotirmayee Prasad,
Resident of Road No.12, Rajendra Nagar, Police Station- Kadam Kuan,
Town & District- Patna, Pin Code- 800016 (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anjani Kumar Saxena, S/o Late Gaya Prasad Saxena, Resident of Tarni Prasad Lane, P.S.- Khajekalan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Smt. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-10-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint
Case No. 270(C) of 2016 instituted for the offence under Sections
406, 420 and 468 of the Indian Penal Code.

It is alleged that shop No. 101 and 102 have come in
the share of the complainant which he has given on rent. The
dispute arose for dues of electricity bill. The informant learnt that
this petitioner executed the sale deed of the aforesaid shops in
favour of the tenants namely, Anjani Kumar and Ajay Kumar.

It has been submitted on behalf of the petitioner that it
is a case of dispute of breach of agreement. The husband of this



petitioner who was a builder and the complainant entered into an agreement to construct shop, flat, office etc. over the land situated at New Dak Bungalow Road, Patna, as mentioned in the complaint petition. It was decided that 50% constructed area will be the share of each party i.e. builder and the complainant. It has further been submitted that there is no any paper with the complainant to show that the aforesaid shop was allotted in their favour. It has been pointed out that brother-in-law of the complainant namely, Abhay Kumar in his statement recorded during enquiry has stated before the Court that builder has given shop No. 201 and 202 to the complainant.

As such, this Court finds that it is a matter of purely civil dispute between the parties.

In such circumstances, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Complaint Case No. 270(C) of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Savita Rani, Judicial Magistrate, 1st Class, Patna, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local



having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

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(Sanjay Priya, J)

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