

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64117 of 2018

Arising Out of PS. Case No.-88 Year-2018 Thana- RAJIVNAGAR District- Patna

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1. Rita Bihari Sinha, Wife of Late Pramod Kumar Singh,
 2. Shailendra Bihari Singh, Son of Late Brij Bihari Singh, Both are resident of Village- Khaira, P.S.- Rajaun, District- Banka. At present Mohalla- I.O.C. Road, Sipara, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy
For the Opposite Party/s : Mr. Sri Ramchandra Sahani

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-12-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Rajiv Nagar P.S. Case No. 88 of 2018 dated 26.03.2018 instituted for the offences under Sections 147, 148, 420, 467, 468, 504 and 506 of the Indian Penal Code.

The petitioners are alleged to have come to the cluster of shops of the informant and threatened to vacate those shops or else dire consequences would follow.

Learned counsel appearing for the petitioners has submitted that the allegation in the FIR that those shops which were constructed by Satish Prasad Singh



during his lifetime and which was handed over to the informant is incorrect. In fact, aforesaid Satish Prasad Singh is none else but the husband of the sister-in-law of petitioner no. 1, who during his lifetime had given a notarized power of attorney in favour of the petitioners for the aforesaid shops. On the basis of the aforesaid power of attorney, rent was fixed and the petitioners were in peaceful possession of the same. In fact, even the electric connection in the cluster of shops are in the name of the petitioners. Later, for the management of those shops power of attorney was executed in favour of one Akshay Kumar @ Bakhora Rai sometimes in the year 2017.

Learned counsel for the petitioners has further submitted that after the death of late Satish Prasad Singh, his wife, son and daughter-in-law knowing every fact fully, executed a power of attorney in favour of the informant.

Learned counsel for the petitioners has submitted that whatever be the truth of the matter, it a case of civil dispute where there are competing claims over the property in question.

Considering the aforesaid facts as also taking into account that the petitioners do not have any criminal antecedents, they are directed to be released on



bail, in the event of their 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, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.J.-III-cum-Additional Chief Judicial Magistrate, Patna in connection with Rajiv Nagar P.S. Case No. 88 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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