

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69980 of 2018

Arising Out of PS. Case No.-162 Year-2018 Thana- KADAMKUAN District- Patna

Kameshwar Prasad, Son of late Brahmadeo Prasad, Resident of Mohalla-Kanogi Tola, Kachuara, P.S.-Gopalpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Lakshmi Kant Sharma
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh
For the informant	:	Mr. Manish Kumar & Rajeev Nayan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsels for the petitioner, informant
and learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 384 and 387/34 of the IPC.

The prosecution case as per the written report of Raghubir dated 22.3.2018 submitted to the SHO, Kadamkuan Police Station is to the effect that the informant and the petitioner used to jointly conduct real estate business. Subsequently, the petitioner on the basis of forged power of attorney tried to transfer a property to one of the customers of the informant, which was protested by the informant, as a result, the petitioner threatened the informant and asked him to transfer his house



situated at Salempur in favour of the petitioner and his wife, or to pay ransom of Rupees Ten Lacs. It is also alleged that when the same was protested, then the petitioner took the help from some of his partners who are criminals.

It is submitted by learned Senior Counsel for the petitioner that a piece of land appertaining to Thana No. 137, Tauzi No. 205, Khata No. 70, Plot Nos. 854 and 855 devolved upon one Grindra Narayan Sinha by virtue of a will executed by Nagina Devi. The said Grindra Narayan Sinha died on 31.7.2008 and the property devolved upon Nilima Sinha, who authorized one Ramakant Mishra to look after, maintain and sell off the said property by virtue of execution of general power of attorney dated 20.2.2009. Thereafter, said Ramakant Mishra entered into an agreement with Sanjay Kumar, Raghubir Singh (informant) and Munna Kumar and the petitioner got the agreement for sale executed by Sanjay Kumar in his favour wherein the informant and his other associates signed as witnesses. All the three persons received Rupees Sixty Lacs jointly. Subsequently, when a dispute arose between the petitioner and other partners, the present FIR has been registered. It is further submitted that even assuming the accusation to be true, no offence under Sections 384 and 387 of the IPC is made out.



Learned counsel for the informant submits that the learned Sessions Judge has, after going through the materials on record, found the case true against the petitioner.

Considering the accusation arising out of dispute between the partners for running real estate business and even assuming the accusation to be true, at best, a case under Sections 385 of the IPC is made out, which is bailable, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VII, Patna in connection with Kadamkuan P.S. Case No.162 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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