

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15509 of 2018

Arising Out of PS.Case No. -910 Year- 2017 Thana -KANKARBAGH District- PATNA

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Arvind Kumar @Vibhat@ Vibhat Singh @ Arvind Kumar Bibhat S/o Late
Mahendra Singh, R/o Mahendra Lok Apartment Kankarbagh, P.S.-
Kankarbagh, Distt.- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr. Smt. Reena Sinha

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 16-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 406
and 448 of the Indian Penal Code.

The prosecution case as per the written report
of Navneet Vatsyayan dated 19.11.2017 submitted to the Senior
Superintendent of Police, Patna is to the effect that the informant
has been running a restaurant in Mahendra Lok Apartment since
last five years. The lease was executed on 11th of December,
2012 which was valid up to 10th of December, 2019, but before
expiry of the lease the possession of the restaurant was taken by



the petitioner.

It is submitted by learned counsel for the petitioner that the tenancy agreement was entered into between the petitioner being the landlord and the informant Navneet Vatshyayan and two other persons namely, Sanjay Shekhar and Shashi Shekhar, as gets reflected from the rent deed, as contained in Annexure-2, but maliciously, the informant being the tenant and other two tenants namely Sanjay Shekhar and Shashi Shekhar entered into a rent agreement with one Ashok Kumar Singh on 1st of November, 2017, as contained in Annexure-4, without the consent and knowledge of the petitioner for which the informant was not authorized. Hence, the possession was taken back by the petitioner. Though, the petitioner is also an accused in Kankarbagh P.S. Case No. 830 of 2017 registered for the offences punishable under Sections 406, 504 and 506 of the Indian Penal Code but he is on bail in the said case filed by the informant.

Learned APP, however, submits that the thrust of accusation is against the petitioner.

Considering the accusation arising out of breach of tenancy agreement, let the above named petitioner be



released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Kankarbagh P.S. Case No. 910 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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