

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35027 of 2016

Arising Out of PS.Case No. -258 Year- 2015 Thana -KOTWALI District- PATNA

Kishor Kunal, aged about 32 years son of Jai Shankar Prasad Jha R/o- F/123, P.C. Colony, Kankarbagh, P.S.- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Shailendra Kumar-1

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

26 16-05-2018 Today also the petitioner has produced a cheque of Rs.88,000/- in the name of Israt Hussain and on the overleaf it is mentioned 'advance rent for the month of May, 2018'. The cheque is dated 05.05.2018. The cheque of Rs.88,000/- is handed over to the learned counsel for the informant to get the same encashed in the name of Israt Hussain.

Heard the learned counsel for the petitioner, the learned A.P.P. for the State and the learned counsel for the informant.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 258 of 2015/ G.R. No. 3422 of 2015 for the offences punishable under sections 406, 420, 379, 354 and 506/34 of the I.P.C.

Allegedly, the shop in question was rented by the



informant to the petitioner but the petitioner failed to pay month to month rent as per the agreement dated 17.06.2014 and on demand of rent the informant was abused by the petitioner and tried to outrage modesty of the informant.

On behalf of the petitioner it is submitted that the matter arises out of an agreement which was valid for five years beginning from 17.06.2014 between the petitioner and the informant. The petitioner has spent large amount of money in the construction and alteration of the said shop as it was in dilapidated condition and the amount so invested was to be adjusted towards the monthly rental, but the informant is not ready to adjust the same. The dispute is purely of civil nature. If the petitioner has failed to deposit monthly rental as agreed the informant may file eviction suit for evicting the petitioner and realizing the rent but he has been dragged in this criminal case only with a view to harass him. He has been falsely implicated and as such sympathetic view should be taken against the petitioner. It is also submitted that the petitioner is ready to deposit Rs.88,000/- per month by way of rental to the informant through cheque.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner has failed to pay rental as per agreement and further the informant was abused and the



petitioner tried to outrage her modesty.

In the facts and circumstances stated above, as agreed by the petitioner he will pay Rs.88,000/- per month to the informant through cheque in the name of the informant and will deposit the same in the court below regularly and the informant will encash the same.

Considering the nature of dispute, the petitioner, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bond of Rs. 20,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna in connection with the aforementioned case with condition that the petitioner shall pay Rs.88,000/- per month to the informant, as stated above, failing which the bail granted to the petitioner shall be deemed to be cancelled.

Accordingly, this Criminal Miscellaneous is hereby disposed of.

(Jitendra Mohan Sharma, J)

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