

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13752 of 2018

Arising Out of PS. Case No.-466 Year-2017 Thana- PIRBAHOR District- Patna

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Anjan Kumar Sen, S/o-Late Amiyo Sen R/o Shanti Bhawan, Behind Mona
Cinema, Bakerganj Patna, P.S.-Pirbahore District and Town-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate

For the Opposite Party/s : Mr. Sri Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner, the
informant and the State.

The petitioner is apprehending arrest in connection
with Pirbahore P.S. Case No. 466 of 2017 registered for the
offences under Sections 406, 379 and 419 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
informant was inducted as tenant in the market complex of the
petitioner and one Vijay Kumar Singh. The informant failed to
make payment of rent accrued for months together and under
the compelling circumstances, the petitioner has to take step for
evicting the tenant.

Learned counsel for the informant submits that the
petitioner has not exhausted remedy within the frame work of



law and forcibly evicted the informant.

In the peculiar facts and circumstances, the court is inclined to grant anticipatory bail to the petitioner. Let the petitioner, above named, be enlarged on bail, in the event of arrest/surrender within four weeks from today on furnishing bail bound of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna district- Patna in connection with Pirbahore P.S. Case No 466 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C., and subject to the further conditions as follows:

(1) The shops in question, namely, Shop Nos. 2,4,6,8 and 10 on the first floor of Shanti Bhawan behind Mona Cinema, Patna, in which the informant was inducted as tenant, shall be allowed to be retained by the informant on the payment of monthly rent including the arrears of rent in terms of the agreement entered between the petitioner and the informant.

(2) The informant shall deposit the rent- arrears as well as current- in the court below where the criminal case is pending.

This arrangement has been worked out in view of the fact that the cheque issued by the informant earlier stood



dishonoured on account of lack of amount in the bank account
of the informant.

(Anil Kumar Upadhyay, J)

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