

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63937 of 2018

Arising Out of PS. Case No.-84 Year-2017 Thana- MAHILA P.S. District- Patna

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Upendra Prasad, Son of late Bhagirath Prasad, Resident of Village- Marut
Nagar Chiranyatand, P.S. Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.

For the Informant : Mr. Rajeev Ranjan Sinha, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 13-12-2018 Heard Mr. Yogesh Chandra Verma, learned Senior

Advocate for the petitioner, Mr. Rajeev Ranjan Sinha,

learned Advocate for the informant and Mr. Ram Priya

Sharan Singh, learned Additional Public Prosecutor for the

State.

The petitioner seeks bail in anticipation of his

arrest in connection with Patna Mahila P.S. Case No. 84 of

2017, dated 19.11.2017, instituted for the offences under



Sections 354A, 323, 384, 379 and 506/34 of the I.P.C.

It has been alleged in the F.I.R. that the petitioner and his two sons, variously armed and in state of intoxication, came to the house of the informant where the informant was sitting along with his sisters and misbehaved with them. The informant and her sisters were also threatened of dire consequences in case they reported against the accused persons.

Mr. Yogesh Chandra Verma, the learned Senior Advocate for the petitioner has submitted that he is the manager of the father of the informant, *viz.*, Sachidanand Mishra. The reason for false implication of the petitioner has been ascribed to a dispute which is pending between the informant and her sisters and their father, who has married for the second time. Perhaps, the informant and her sisters have an apprehension that her father would divest them of their share in the property. It is precisely for this reason that the informant has chosen to lodge a case against the associates of her father.

Mr. Verma has further pointed out that the father



of the informant has also lodged an informatory petition against his daughters and others.

One of the accused persons, who incidentally is one of the sons of the petitioner, has been granted the privilege of anticipatory bail by a Bench of this Court *vide* order dated 03.05.2018 passed in Cr. Misc. No. 21208 of 2018.

On the aforesaid grounds, it has been prayed that the petitioner also be released on anticipatory bail.

Mr. Rajeev Ranjan Sinha, learned Advocate for the informant has, however, drawn the attention of this Court to the fact that the petitioner has made a wrong statement in paragraph 3 of the bail petition that he does not have any criminal antecedents; the fact of the matter being that the petitioner was made an accused in a case instituted in the year 2005 *vide* Jakkanpur P.S. Case No. 146 of 2006 instituted for the offences under Sections 427, 504 and 379/34 of the I.P.C. and Section 27 of the Arms Act. In proof of the aforesaid fact, a copy of the bail order of the petitioner in the aforesaid case has been produced for the inspection of this Court.



The other aspect which has been highlighted by Mr. Rajeev Ranjan Sinha, learned Advocate, is that because of the non-appearance of the petitioner in the instant case, processes under Section 82 Cr.P.C. has been issued and about ten days ago, process under Section 83 Cr.P.C. has been directed to be issued.

On these two grounds, it has been urged that the anticipatory bail of the petitioner be not granted.

Mr. Yogesh Chandra Verma, learned Senior Advocate for the petitioner, on instructions from his client, has submitted that the case referred to by the learned Advocate for the informant has ended in acquittal and, therefore, it was not stated to in paragraph 3 of the bail petition. The other fact which has been harped upon by the learned Advocate for the petitioner is that only processes have been issued for declaring the petitioner as an absconder and till date, he has not been declared an absconder.

Considering the aforesaid facts as also the grant of anticipatory bail to one of the co-accused person who



incidentally is the son of the petitioner and who has been attributed with more serious allegation than the petitioner, this Court directs that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, be released on bail on his furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Patna in connection with Patna Mahila P.S. Case No. 84 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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