

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33357 of 2019

Arising Out of PS. Case No.-4743 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

=====

MANOJ KUMAR SINHA, Son of Late Radhey Ram Sinha Resident of
Ashiana Digha Road, Behind Raj Maitri Apartment, P.S- Shastri Nagar,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhakar Kuar, Son of Jai Prakash Kuar, Resident of 205/B, Sangeeta
Place, Kailash Enclave, Mohalla-Shivpuri P.Sj-Shastrinagar, District-Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Sinha
For the Opposite Party/s : Mr.Md. Ataur Rahman

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-09-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 4743C of 2017 in which cognizance has

been taken under Sections 420, 452 467, 468 and 471/34 of the

Indian Penal Code by the learned Magistrate.

Allegation against the petitioner, as per complaint, is that
petitioner has purchased shop no. 8 situated at ground floor in
Maurya Lok Complex, Patna on 10.11.2015 through registered
deed from its owner namely Mahendra Kumar thereafter took
possession of the shop. It has further been alleged that
complainant used to reside outside Patna, however, he came to
know on 18.09.2017 that one Board of Punjab National Bank
A.T.M. was hanging on the shop of the complainant and



thereafter, upon enquiry, the complainant came to know that petitioner has given the shop on rent to PNB for ATM under an agreement on the basis of unregistered power of attorney.

Mr. N.K.Agrawal, learned senior counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case on the basis of *mala fide* complaint inasmuch as the shop, in question, was allotted in favour of one Mahendra Kumar on 26.10.2005, and the owner of the said shop, on 15.07.2008, had executed the power of attorney in favour of the petitioner and power of attorney made by the owner of the shop was acknowledged by the Patna Municipal Corporation on 22.09.2018. Referring to para-6 of the bail application, which is Annexure-2, learned senior counsel submits that possession of the shop, in question, was transferred by the Patna Municipal Corporation by virtue of a lease agreement entered into between Mahendra Kumar and Patna Municipal Corporation on 18.09.2008. It has further been submitted that on 08.10.2018, the petitioner has been evicted forcibly from the shop in question by the complainant for which petitioner has lodged an FIR on 09.10.2018. Learned senior counsel further submits that petitioner had entered into an agreement with the PNB for opening of ATM kiosk at the shop



on 20.12.2016. Learned senior counsel further submits that a title suit has been filed by the petitioner bearing T.S.No. 273 of 2018 for annulment of alleged sale deed between the complainant and Mahendra Kumar.

Having regard to the submissions made by the parties and taking into consideration the fact that there appears to be a dispute of title between the parties appertaining to the shop in question, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 4743(C) of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

