

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50051 of 2019

Arising Out of PS. Case No.-275 Year-2019 Thana- KOTWALI District- Patna

DR. MRITUNJAY KUMAR @ MRITUNJAY KUMAR Son of Subash Singh
Resident of New Sugar Mill of Siwan, Post - Siwan, P.S. and District- Siwan
(Bihar), Pin Code 841226 at Present residing at Flat No. 301, at Deep
Apartment, Near Aaj press, at Frazer Road, P.S.- Kotwali, District- Patna- Pin
Code - 800001

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar

For the Opposite Party/s : Mr.Gulnar Begum

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kotwali P.S. Case No.275 of 2019 registered under
Sections 448, 420, 504, 506 and 120-B of the Indian Penal
Code.

The accusation is that the petitioner took the house of
the informant Putul Devi Jaiswal on rent for 11 months (from
01.10.2010 to 31.08.2011) introducing himself to be Orthopedic
Doctor. The petitioner also used to look after the informant and
treat the informant as she becomes ill due to her old age. As the
medical practice of the petitioner was not good, the petitioner



started to do the work of broker and to get the Pan-Card, driving licence etc. prepared. In that course, the petitioner took the signature of the informant on Non-Judicial Stamp Paper of Rs.100/- to get her Pan-Card prepared but the petitioner did not get the Pan-Card of the informant prepared nor he returned the stamp paper to the informant. Later on, the petitioner vacated the house of the informant and after six years, on 27.03.2019 at about 01.30 P.M., the petitioner, after making the forged document, on the basis of the stamp paper, with an intention to occupy the said flat in which the petitioner used to reside, forcibly entered the house of the informant, started to abuse to the informant, made demand of key of the flat and gave threatening of dire consequences to the informant, in case of not giving the key of the flat.

Learned counsel for the petitioner submits that, in fact, the informant and her son Alok Kumar Jaiswal (since deceased) entered into agreement with the petitioner to sell the flat on 17.08.2012, on payment of consideration of Rs.25,00,000/-, out of which the petitioner paid Rs.22,00,000/- to the informant but after the death of her son, namely, Alok Kumar Jaiswal, the informant refused to execute the sale deed of the said flat in favour of the the petitioner. Thereafter, the



petitioner filed Title Suit No.183 of 2017 against the informant of the present case in the court of the Sub Judge-I, Patna, on 25.04.2017, for specific performance of contract, which is pending for disposal. Only to put undue pressure upon the petitioner, the informant has lodged the present case. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna, in connection with Kotwali P.S. Case No.275 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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