

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25131 of 2020

Arising Out of PS. Case No.-278 Year-2019 Thana- BUDDHACOLONY District- Patna

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Sanjiv Singh Son of Late Sitaram Gope Resident of 100/01, Om Enclave,
Budha Colony Main Road, P.S. - Budha Colony, Distt - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-11-2020 Heard learned counsel for the petitioner and

learned counsel for the State via video conferencing.

The petitioner seeks pre-arrest bail in connection
with Budha Colony P.S Case No. 278 of 2019 registered under
Sections 471, 354(b)(c), 341, 323, 504, 386, 387, 379, 380 and
120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that
though the alleged occurrence is said to have taken place on
15.06.2019, the informant, who is full sister of the petitioner,
lodged a complaint after more than a month on 22.07.2019,
which was sent to the police for investigation in exercise of
powers conferred under Section 156(3) of the Code of Criminal
Procedure by the Magistrate, pursuant to which, the first



information report was registered on 07.08.2019. He contended that the petitioner is the *bona fide* owner of the alleged house, who came back on 12.07.2019 to Patna from U.S.A. after coming to know about certain illegal act of the complainant for which Budha Colony P.S. Case No. 206 of 2019 was registered. He further contended that the son of the complainant has filed Title Suit No. 185 of 2019 on 22.07.2019 for partition of the alleged house, wherein he has accepted in his plaint that neither he nor his mother ever resided at Budha Colony house.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Regard being had to the undue delay caused in institution of the complaint as also the nature of dispute between the parties, the petitioner is directed to be released on bail, in the event of his arrest or surrender, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Patna in connection with Budha Colony P.S Case No. 278 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been



restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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