

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31392 of 2020

Arising Out of PS. Case No.-456 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. GHURA SINGH S/o Late Madho Yadav R/o village- Saint Anthoni Public School, Ayar Kothi, P.S.- Darihat, District- Rohtas
 2. Buni Singh @ B. Singh S/o Ghura Singh R/o village- Saint Anthoni Public School, Ayar Kothi, P.S.- Darihat, District- Rohtas
 3. Pramod Singh S/o Ghura Singh R/o village- Saint Anthoni Public School, Ayar Kothi, P.S.- Darihat, District- Rohtas

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bijay Kumar Yadav S/o Late Jagdeo Singh R/o village- Baradhi Gola, P.S.- Akorhigola, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Singh, Sr. Advocate
	:	Mr. Rakesh Singh
For the Opposite Party/s	:	Mr. Arun Kr. Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard Sri Krishna Singh, the learned counsel for the petitioners and Sri Arun Kumar Pandey, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Complaint case no. 456 of 2017 registered for the offences punishable under Sections 323, 420/34 of



Indian Penal Code.

The case of the prosecution in brief as per the complaint petition is that on 24.01.2016 at about 10 O' clock, the petitioners herein along with one Sharma Jee had contacted the complainant and put forth a proposal for opening Branch of Sant Anthony Public School in his house, whereafter an agreement was prepared and the complainant had given his house as also the rent was fixed @ 25,000/- per month. It is further alleged that the accused persons i.e. the petitioners herein had opened the school in the house of the complainant w.e.f. 29.01.2016 and the said school had run up to the month of March, 2017, however they failed to make payment of a sum of Rs. 3,50,000/- by way of rent amount and had suddenly vacated the said house and fled away without paying the rent.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that the allegation levelled in the complaint petition is in the nature of civil dispute and the informant would be well-advised to approach the competent court having civil jurisdiction.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the allegations levelled by the informant are in the nature of civil dispute and the petitioners are having clean antecedent, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge-VII-cum-A.C.J.M. Rohtas at Sasaram in connection with Complaint case no. 456 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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