

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5057 of 2022

Arising Out of PS. Case No.-420 Year-2021 Thana- GANDHIMAIDAN District- Patna

KARAN KUMAR @ CHIKU S/o- LATE ARUN KUMAR Resident of
Residential Portion of 2nd floor of Brindavan Nursing Home, Salimpurahra,
of Exhibition road P.O. and P.S.- Gandhi Maidan, District- Patna, State Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mithlesh Kumar Gupta, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar, APP
For the Informant	:	Mr.Akshansh Ankit, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-08-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341,
323, 307, 504, 379 and 34 of the Indian Penal Code.

The informant alleges that on 26.08.2021 when she
came downstairs she was intercepted by Neelam Devi,
petitioner and the wife of the petitioner along with two
unknown friends of the petitioner and the petitioner dashed
her on the ground by holding her hair, the occurrence was
captured in the CCTV further alleges that the accused persons
often misbehave with her, she is a BP patient and her husband



is a heart patient and has undergone bypass surgery, further the occurrence took place as the accused persons are bent upon grabbing her nursing home.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, petitioner is own nephew of the informant and petitioner and informant have their equal share in the nursing home property that is Vrindavan Nursing Home. It is next submitted that the informant in the F.I.R. had not disclosed the fact that petitioner is her own nephew, further the F.I.R. gives an impression that as if some criminals entered the house of the informant and assaulted her with a view to grab her nursing home, learned counsel next relies on a memorandum of family mutual arrangement-cum-agreement as contained in Annexure 3 to the anticipatory bail application to submit that from perusal of the mutual agreement it would manifest that petitioner and the informant are having share in the property which is in dispute further the dispute did take place but the occurrence is exaggerated. Learned counsel submits that petitioner is a young boy of 24 years of age with clean antecedent and in the event, if he his anticipatory bail



application is rejected then the same will jeopardize his entire career, it is also submitted that a Title Partition Suit No. 26 of 2018 has been filed by the mother-in-law of the informant in which the husband of the informant is a defendant along with the family members of the petitioner which is pending before the learned Sub-Judge-8, Patna, learned counsel thus submits that civil dispute has been given a color of criminal case to make out a serious offence.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that informant is own aunt of the petitioner and a title suit with respect to the property is pending.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gandhi



Maidan P.S. Case No. 420 of 2021 subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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