

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39280 of 2022

Arising Out of PS. Case No.-4868 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Shashi Kumar Gupta @ Shashi Bhushan Gupta Son of Late Vishwanath
Gupta Resident of M-2, Harivansh Parvati Complex, Jamal Road, P.S. -
Kotwali, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Complaint Case No. 4868(C) of 2019 instituted for the
offence under Sections 448 and 454 of the Indian Penal Code.

It is a case of criminal trespass in the house which
belongs to the complainant.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. It is also submitted
that co-accused who is petitioner's brother has executed an
agreement in respect of flat in question, by the concerned bank,



who is the borrower in respect of flat in question in pursuance of the agreement between complainant and accused person and the complainant's husband has handed over the key of the said flat to the petitioner's brother. After receiving the key, the brother of petitioner started living in the flat in question. It is further submitted that complainant was filed after inordinate delay of more than two years of the occurrence, for which there is no explanation. This petitioner is brother of the co-accused namely, Sanjeev Kumar Gupta due to which he has falsely been made accused in this case. Similarly situated co-accused Sanjeev Kumar Gupta has been granted bail by this court vide order dated 23.11.2022 in Cr. Misc. 33174 of 2022.

Learned APP appearing for the state has opposed the prayer of anticipatory bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Complaint Case No. 4868(C) of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each



to the satisfaction of learned Sub Judge-IV cum Additional
Chief Judicial Magistrate-IV, Patna subject to the conditions as
laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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