

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17926 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- MITHANPURA District- Muzaffarpur

ROHAN SINGH S/o Ram Kumar Singh Resident of Village-Maniarpur,
Police Station-Mahnar, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-06-2023 Heard the parties.

Petitioner apprehends his arrest in connection with Mithanpura P.S. Case No. 141 of 2022 dated 11.5.2022 registered for the offence punishable under Sections 406, 420, 467, 468, 471, 419, 12-B and 34 of the Indian Penal Code.

As per the First Information Report 2937 Sq. ft. of the Food Court in a Mall owned by the informant was let out to the Brother's Creation Partnership firm in which the petitioner was one of the partners along with Niraj Gandhi. As per the First Information Report, 400 Sq.ft. out of 2937 Sq.ft. was let out in favour of the petitioner on a monthly rental. The petitioner has not paid the rent regularly and in connivance with the Chartered Accountant of the informant and his Partner, the



rent amount payable to the informant has been misappropriated. The petitioner along with his Partner Niraj Gandhi issued 21 posted dated cheques of Rs.12,22,200/- of different amount but out of the same, only, 3,49,200/- was encashed and 15 cheques were dishonoured for which the informant has filed a separate complaint under Section 138 of the N.I. Act. It has further been alleged that after September 2021 the petitioner and his partner started avoiding the informant and left the tenanted premises without any information to the informant.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive and from perusal of the First Information Report it would be evident that dispute between the petitioner and the informant relates to the tenant landlord dispute for which the informant has already filed a complaint against the petitioner for bouncing of cheques and further a Money Suit for recovery of the rent amount worth Rs.55,00,000/- bearing Money Suit No. 18 of 2020. Accordingly, submission is that upon bare perusal of the First Information Report, no offence much less criminal offence is made out against the petitioner and the allegation against the petitioner gives rise to civil dispute.

Regards being had to the submission made by the



parties and taking into consideration the nature of allegation and the fact that petitioner was a tenant and has defaulted in payment of rent to the informant for which Money Suit has also been filed by the Informant, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Ms. Nandani, learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Mithanpura P.S. Case No. 141 of 2022 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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