

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60372 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Dhananjay Kumar @ Rintu S/O Late Ram Swarup Prasad R/O Village- Nehru
Tola, Begampur, Patna City, Ps. Chowk, Dist. Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-12-2023 A supplementary affidavit has been filed on behalf of the petitioner annexing a copy of order dated 17.10.2022 passed by the learned Additional Sessions Judge-II, Patna City in Anticipatory Bail Application No. 6512 of 2022 and a copy of sale deed dated 18.09.2020. The same is taken on record.

02. Heard learned counsel for the petitioner and learned A.P.P. for the State.

03. In the present case, the petitioner is apprehending his arrest in connection with Chowk P.S. Case No. 334 of 2022, registered on 30.07.2022, for the alleged offence under Sections 448, 427, 379 and 34 of the Indian Penal Code.

04. As per prosecution case, the petitioner broke-open the locks of two rooms which has been in possession of the informant and sold the articles kept in the rooms. The informant has further alleged that there was no partition of her paternal



property.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the son of own brother of the late father of the informant and the partition has already taken place between the brothers and this fact has been admitted by the informant when she executed a registered sale-deed in favour of one Rupali Kumari wherein she has stated that after death of her father, partition took place between herself and the brothers of her father. So, the allegation that no partition took place is false. The informant has further sold her property and she has lodged false case against petitioner as pressure tactics to have her residential right in her paternal property. Learned counsel further submits that utmost it could be a case of civil dispute. The petitioner has got no criminal history.

06. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the background of property dispute and probability of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of



eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna City/concerned court in connection with Chowk P.S. Case No. 334 of 2020 (P.T. No. 3108/2022) subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

