

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72334 of 2022

Arising Out of PS. Case No.-2585 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Girja Shanker Dutt Son of Late Bibhuti Bhushan Dutta Resident of 111A,
Patliputra Colony, P.S- Patliputra, Town and Dist- Patna. At present residing
at 180, National Media Centre, Shankar Chowk, NH- 80, Gurgaon 122020

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashish Kumar Son of Sri Lalan Bhagat R/o Ward no. 16, Lakshmipur, near
Panchmukhi Chowk, P.S- Madhepura, Dist- Madhepura - 852113

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Alias Sharma
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420
of the Indian Penal Code.

As per the prosecution case, all the accused persons
including petitioner entered in the restaurant after breaking the
lock and committed theft of valuable articles from the restaurant
on 21.06.2023 and caused huge loss to the complainant..

It is submitted that petitioner is the landlord and the
complainant is a tenant by virtue of lease agreement dated
22.09.2020 and has deposited rent in the bank account of



accused persons from December, 2020 to February, 2021 and has also deposited security deposit worth Rs. 15,00,000/- in the bank account of petitioner. The tenant is under legal obligation to deposit rent and security deposit to the landlord and hence, this complaint case is a misuse of process of law, thus, no offence under Sections 406, 420 of IPC is made out against the petitioner. The instant complaint case has been lodged maliciously against the petitioner only with a view to harass him and his entire family members. The complainant admitted that he has not paid rent for the leased out premises since March, 2021 in spite of repeated request made by the petitioner and has violated several terms of lease agreement, then petitioner by invoking clause 35 of the lease agreement dated 22.09.2020, terminated the lease agreement by sending legal notice dated 26.05.2021. As a matter of fact, an altercation took place between the parties over the issue of payment of rent. Petitioner claims clean antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Patna in connection with Complaint Case No. 2585(C) of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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