

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34725 of 2024

Arising Out of PS. Case No.-634 Year-2022 Thana- GANDHIMAIDAN District- Patna

Nalin Kumar, S/O Sita Ram Gupta, R/O Sri Nagar, A.G. Colony, Ashiyana
Nagar, P.S.- Phulwari Sharif, District- Patna (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh No. I, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Gandhi Maidan P.S. Case No. 634 of 2022 registered for the offences punishable under Sections 406, 420, 506/34 of the Indian Penal Code.

3. As per the prosecution case, deceased father of the informant had distributed his property amongst his five sons, whereafter all the brothers had taken possession of their respective shares in the property in question, however, the elder brother of the informant namely Braj Kishore Sinha has circumspectly sold 10 dhurs of the land to Jitendra Kumar, Lal Bihari Rai and Upendra Kumar which was in his share. Allegation against the petitioner is that he is the surveyor and



has given false report.

4. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner further submits that the informant and other co-accused are own brothers and one brother has sold his own share. The petitioner has no concern with the affairs of the informant and his brothers. Petitioner has no criminal antecedent and similarly situated two co-accused persons have been granted anticipatory bail by this Court vide order dated 20.09.2023 passed in Cr. Misc. No. 58372 of 2023.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account that other similarly situated co-accused persons have been granted anticipatory bail by the coordinate Bench, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a



copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of S.D.J.M. Patna in connection with Gandhi Maidan PS case no. 634 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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