

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35704 of 2024

Arising Out of PS. Case No.-546 Year-2021 Thana- KADAMKUAN District- Patna

Onkar Nath Sharma, Son of Nawal Sharma, Resident of Mohalla - Pustkayal
Lane Purvi Loahnaipur, P.S.- Kadam Kuan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kadam Kuan P.S. Case No. 546 of 2021 registered for the alleged offence under Sections 341, 323, 354(B), 379, 447/34 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons entered into the house of the informant after breaking the locks and took away a number of household articles, documents and cash. They also assaulted the informant and her husband and threatened them by drawing pistol.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Informant is the own sister of the petitioner and they are



on inimical terms for quite long time and the Title Suit No. 29 of 2021 is pending before the learned Sub Judge 1st, Jehanabad between the parties. Petitioner has also filed a Revocation Case No. 02 of 2021 arising out of Probate Case No. 37 of 2016 against the informant. Learned counsel further submits that though the informant is having criminal antecedent of a number of cases, in six cases he has been acquitted and in three cases he is on bail and fourth case is with regard to Section 107 of Cr. P.C. but all these cases have been lodged by the family members in the background of property dispute.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the petitioner has been specifically named by the informant and there is allegation of taking away household articles after breaking the locks of the house of the informant.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the property dispute between the parties and further considering the possibility 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. 10,000/- (Rupees Ten Thousand



Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Xth, Patna/concerned court in connection with Kadam Kuan P.S. Case No. 546 of 2021 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)

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