

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63725 of 2024**

Arising Out of PS. Case No.-158 Year-2024 Thana- SOHSARAI District- Nalanda

Vinod Kumar Son of Rajendra Gope Resident of Mohalla- Singarhat, PS-  
Sohsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Sinha

For the Opposite Party/s : Mr. Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**ORAL ORDER**

- 2      05-10-2024      1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Sohsarai Police Station Case No. 158 of 2024, dated 30.06.2024, disclosing offences under Sections 420/448/384/506/386 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the informant had let out his shop on rent in favour of the petitioner on 01.02.2013 situated at Singarhat Bolipar Maugalkuon Town, Bihar Sharif, bearing holding no. 998. After expiry of the term of tenancy, again the deed of rent was executed in favour of the petitioner by the informant in the year 2014. It has further been alleged that the petitioner started construction in the rented shop and when the informant asked him to vacate the shop, he



was treated badly by him. The petitioner also demanded a sum of Rs. 5,00,000/- as extortion. The petitioner is attempting to grab the shop/premises of the informant.

4. Learned counsel for the petitioner submits that the petitioner is a bonafide tenant of the shop/premises, in question, which would be evident from the statement made in the First Information Report. He next submits that when the informant forcibly threw out the articles of the petitioner and tried to vacate him with force, the petitioner filed a title suit, bearing T.S. No. 49 of 2024, against the informant for declaration that the informant/defendant has no right to forcibly vacate the petitioner from the shop mentioned at schedule no. 1. Learned Munsif, Nalanda at Bihar Sharif, after hearing the matter, issued show cause notice to the informant and granted status quo in favour fo the petitioner vide order, dated 09.07.2024. He further submits that the informant has not filed any eviction suit against the petitioner and instead of eviction suit he has taken recourse of filing criminal case in abuse of the process of law.
5. On the other hand, learned counsel for the informant opposed the prayer for bail and submits that the petitioner



has demanded extortion of Rs. 5,00,000/- from the informant and is forcibly trying to grab the shop/premises of the informant.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that there is tenant and landlord dispute between the petitioner and the informant, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Sohsarai Police Station Case No. 158 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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