

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69658 of 2023

Arising Out of PS. Case No.-202 Year-2022 Thana- BUDDHACOLONY District- Patna

1. JAI SINGH S/o- LATE VIKRAM ADITYA MISTRI R/o- Savitri Mension R.P Yadav CDA Colony House No-164, Po- Ashiyana Nagar Ps- Rajeev Nagar Patna
2. Urmila Devi wife of Jai Singh R/o- Savitri Mension R.P Yadav CDA Colony House No-164, Po- Ashiyana Nagar Ps- Rajeev Nagar Patna
3. Sonali Singh D/o- Jai Singh R/o- Savitri Mension R.P Yadav CDA Colony House No-164, Po- Ashiyana Nagar Ps- Rajeev Nagar Patna
4. Akshat Singh @ Sonu Singh son of Jai Singh R/o- Savitri Mension R.P Yadav CDA Colony House No-164, Po- Ashiyana Nagar Ps- Rajeev Nagar Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ghanshyam Tiwary, Adv.
For the Opposite Party/s	:	Mr.Arun Kumar Pandey, APP
For the Informant	:	Mr.Arshad Jameel Hashmi, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-01-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 420, 385/34 of the IPC.

3. As per the prosecution case, the informant has purchased the house of the petitioners' side but petitioners' side are illegally not vacating a room of the said house and are also utilizing the electricity from the new connection of the informant and are disturbing the informant and his family.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. From the FIR itself, it is clear that the co-accused Nitu Singh and Anu Singh have not vacated the alleged room and have wrongly taken possession of the room but it is mentioned that the petitioners are living separately in rented house and they have no concern with the said house after the sale. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail by submitting that the petitioners have committed forgery and cheating with the informant as they concealed this fact from the informant that two Title Suits are pending before the Court below in respect of the said house.

6. Having regard to the facts and circumstances of the case and considering that petitioner nos.2 and 3 are female and they are the wife and the daughter of the petitioner no.1, I am inclined to grant them anticipatory bail. Accordingly, let the



above named petitioner nos.2 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Buddha Colony P.S. Case No.202 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, considering the nature of allegation, I am not inclined to enlarge the petitioner nos.1 and 4 on anticipatory bail. The prayer for grant of bail on their behalf is hereby rejected.

8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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