

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77260 of 2023

Arising Out of PS. Case No.-10122 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Shashi Kumar @ Shashi Kapoor Singh son of Shayam Narayan Rai @ Soman
Rai Mohalla- Saristabad Ps- Gardani Bagh Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shayam Narayan Rai @ Soman Rai son of Late Ramashish Rai village-
Sarista Bad East tola Ps- Gardani Bagh Dist- Patna, P/A- Gautam Nagar
Vivekanand Bhawan Janta Road Po- GPO Patna PS - Gardanibagh Dist-
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Dhananjay Kumar
For the State	:	Mr.Prem Kumar Jha
For the Informant/OP-2	:	Usha Kumar Singh, Sunidhi Vimal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-03-2024 Heard learned counsel for the petitioner, State and
informant/O.P.-2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 323, 406, 452,
506 of the Indian Penal Code.

3. The allegation against petitioner is that he assaulted
and threatened the complainant and his wife when complainant
asked for his money amounting to Rs. 10,00,000/- (Rupees Ten
Lacs), which he gave to petitioner.

4. Learned counsel for the petitioner submits that
from bare perusal of the complaint petition, it is apparent that
there is dispute between the parties over ancestral property.
Complainant is own father of the petitioner. He further submits



that though, there is allegation that petitioner had taken Rs. 10 Lacs from the complainant is totally wrong, in view of the fact that the ancestral land in question was sold by the complainant with consent of all parties and on such sale-deed, the petitioner and his son are witness and identifier. The amount of Rs. 37 Lacs was distributed amongst the parties equally (Annexure P/2 series). Moreover, the dispute is purely of a civil nature.

5. Learned counsel for the informant/opposite party no. 2 vehemently opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 learned Chief Judicial Magistrate, Patna in connection with Complaint Case No. 10122 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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