

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3749 of 2024

Arising Out of PS. Case No.-347 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Satendra Narayan Singh Son of Late Ganga Sagar Singh R/o vill - Khanpur,
P.s. - Didarganj, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Birendra Kumar Son of Ganga Sagar Singh R/o vill - Khanpur, P.S. -
Didarganj, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Kumar
For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard learned Counsel for the petitioner and

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 347 of 2021 for the offence registered
under sections 406 and 420 of the Indian Penal Code lodged on
23.07.2020 by the informant Virendra Kumar.

3. As per the prosecution story, the informant who is
own brother of the petitioner has alleged that there was a
partition on 06.07.2010 and he bore the entire medical expenses
of father to the tune of Rs. 17 lakhs who ultimately died on
06.04.2014 whereafter, the last rites were also performed by
him. The brothers had undertaken to provide a piece of land but
no such amount returned or the land was given.

4. Learned counsel for the petitioner submits that a



bare perusal of the F.I.R./complaint would show that it is the purely a dispute of civil nature between brothers which even now they can settle within the four walls of their family. The last submission is that even the people who tried to negotiate in the matter have been made accused.

5. Learned counsel for the informant/complainant supported the F.I.R. and alleged that they had undertaken to reimburse the amount of provide piece of land but chose to look the other way.

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

7. Taking into account the submissions as also the fact that the dispute is between the brothers, relates to money, details of which are not available to this Court, it seems to be a civil dispute and as such so far as the relief sought for by the petitioner is concerned, the same is fit to be extended.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class Patna City, Patna in connection with Complaint Case No. 347 of



2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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