

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69617 of 2022

Arising Out of PS. Case No.-231 Year-2022 Thana- SHASTRINAGAR District- Patna

1. SANJAY SINGH @ SANJAY KR. SINGH S/o Late Ram Sagar Singh R/o - Kautilya Nagar, Near A.G. Colony, P.S.- Shartri Nagar, Distt- Patna.
2. Abhishek Raj S/o Sanjay Singh R/o - Kautilya Nagar, Near A.G. Colony, P.S.- Shartri Nagar, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jogendra Kumar
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1
Mr. Dhananjay Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 22-01-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354B, 355, 307, 498A, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that her father died in a road accident on 6-7-2020, further her relatives, including her uncle (Sanjay Singh, Petitioner No. 1), aunt (Poonam Devi), cousin (Abhishek Raj,



Petitioner No. 2) and others physically and verbally assaulted her mother on 28-4-2022. It is next alleged that her mother was brutally assaulted for the reason that she had demanded money for payment of school fees and milk. It is further alleged that even the informant was assaulted, when she tried to rescue her mother, and the accused persons locked the door, and neighbours informed the police who rescued the victim and took them to the hospital.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant on account of dispute relating to property. It is also submitted that no doubt the father of the informant died, but then the mother of the informant along with informant are staying in a house at A.G. Colony constructed by the grandfather of the informant. It is next submitted that grand-mother of the informant, who is aged about 76 years, was ousted by the mother of the informant from the said house, as such she was staying at Rajeev Nagar. It is further submitted that it absolutely does not stand to reason that as to why the petitioners would have assaulted the informant and her mother over payment of school fee and milk. It is next submitted that the mother of the informant through the informant is trying to pressurise the



family members by filing the instant criminal case to settle the issue of property. It is also submitted that mother of the informant is receiving rent of Rs. 47,000/- thousand per month. It is submitted that at Gola Road, there is a hall, which is in possession of the mother of the informant and from the said hall, she is getting Rs. 35,000/- per month and Rs. 12,000/- per month from the premises where she is staying. It is thus submitted that the mother of the informant is in a financial position that she does not require any financial help from the family member of her deceased husband, which further demonstrates that the instant criminal case has been instituted only to coerce the petitioners and others into submission. It is further submitted that the mother of the informant has also filed Title Suit No. 223 of 2022 as plaintiff against the family member of the deceased husband, which is pending adjudication in the court of learned Sub-Judge-I, Patna. It is next submitted that from perusal of Annexure-2 to the anticipatory bail application, it would manifest that the grand-mother of the informant was paying her school fees till 2022 and had also opened a fixed deposit of Rs. 1 lakh, but the grand-mother stopped paying the school fees after she was ousted from the house by the mother of the informant.



5. Learned A.P.P. and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners. Learned counsel appearing on behalf of the informant submits that after the death of the father of the informant, the petitioners and others are trying to oust the informant from the house. It is vehemently denied that the informant is earning an amount of Rs. 47,000/- per month by way of rent. It is further submitted that informant only earns a meagre amount of Rs. 4,000/- from rent, on which the learned counsel appearing on behalf of the petitioners submits that mother of the informant is pursuing a case before this Court as well as before the civil court, which amply demonstrates that she has money, it is also submitted by the learned counsel appearing on behalf of the petitioners that even the allegations in the FIR are exaggerated as police after investigation submitted charge-sheet under Section 341, 323, 354B, 355, 498A, 504, 506 and 34 of the IPC, which amply demonstrates that allegation under Section 307 of the IPC during the course of investigation was found false.

6. Learned counsel for the petitioners next submits that police in the course of investigation never made any endeavours to arrest the petitioners, as such no useful purpose



would be served by sending the petitioners to jail when charge-sheet has been submitted.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shastri Nagar P.S. Case No. 231 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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