

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39969 of 2016

Arising Out of PS.Case No. -3412 Year- 2009 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

- =====
1. Chandra Shekhar Prasad Chaudhary, son of Late Balvadra Prasad Singh
@ Balvadra Prasad Chaudhary
 2. Abhay Kumar, son of Chandra Shekhar Prasad Chaudhary
- Both resident of Village - Deogagan Dharbhara, Police Station - Bochha,
District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Janardan Prasad Diskhit alias Janaardan Prasad Chaudhary, Son of
Valbhadra Prasad Singh @ Valbadra Prasad Chaudhary, R/o Village
Dharbhara, P.S. Bochahan, Distt. Muzaffarpur.

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Binod Kumar, Advocate.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-09-2016 Heard both sides.

The petitioners apprehend their arrest in Complaint
Case No. 3412 of 2009 filed for offence punishable under Sections
420 and 418 of the Indian Penal Code.

The complainant alleged that accused no. 2 is own
brother of the complainant and accused no. 4 is the son of the
accused no. 2. It is alleged that Plot No. 534, RSP No. 2679, area
8 Decimals is recorded in the name of the father and the uncle of



the complainant and the land is very valuable but the petitioners and others sold 5½ Decimals of land to others including the share of the petitioners. It is submitted that the complainant filed Mutation Appeal No. 85 of 2009-1010 in which there was an order that 2 Decimals of land were mutated in the name of the complainant and the mutation appeal of the complainant was dismissed. The rest 6 Decimals of the aforesaid land was recorded in the name of the petitioners and others. Partition Suit No. 591/2009 is also pending in the court of Sub Judge VI.

It appears that the complaint case was filed in the year 2009. The petitioner filed Anticipatory Bail Petition No. 132/2012 before the learned Sessions Judge in the year 2012 which was dismissed vide order dated 04.05.2012. The petitioner did not move before any other court for grant of anticipatory bail. The petitioner again moved for anticipatory bail before the learned Sessions Judge in ABP No. 1235/2016 and the same was dismissed on 02.07.2016. It appears that the petitioner moved for anticipatory bail after seven years of the institution of the case. The prayer for anticipatory bail was firstly rejected in the Year 2012 but the petitioner sat over the matter and after four years he again filed anticipatory bail petition before the learned Sessions Judge.

Considering the facts aforesaid, I am not inclined to
enlarge the petitioner on anticipatory bail in Complaint Case No.
3412 of 2009. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--

