

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6381 of 2019

Arising Out of PS. Case No.-1607 Year-2016 Thana- GAYA COMPLAINT CASE District-
Gaya

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Binod Kumar @ Binod Kumar Goswami @ Vinod Kumar, aged about 31 years (Male), son of Late Kailash Goswami, resident of Mohalla-Makhlodganj is also Known as Makhlotganj, Town Gaya, P.S.- Kotwali, Distt.- Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Pintu Kumar
3. Lalku Kumar
4. Mohit Kumar @ Mohit Raj

All are sons of Santosh Kumar, resident of Mohalla-Dulhinganj, Town Gaya, P.S.- Kotwali, Distt.- Gaya

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Kiran Sinha, Advocate
For the State	:	Mr. Binod Kumar No.3, APP
For Opposite Party Nos.2 to 4 :		Mr. Anil Kumar Saxena, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 24-04-2019 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for opposite party nos.

2 to 4.

This application has been filed for cancellation of
bail, which has been granted to opposite party nos. 2 to 4 vide
order dated 04.07.2018 passed in Criminal Miscellaneous
No.37349 of 2018.

While obtaining the order of bail, specific
statement was made that the complainant and Santosh Kumar



along with petitioners entered into the agreement to sell the land in consideration amount of Rs.28,21,000/- and out of that Rs.17,71,000/- was paid, but no transfer of land was taken place, Santosh Kumar was granted regular bail by this Court in Criminal Miscellaneous No. 37162 of 2018 on the basis of undertaking given by him that he will return the said amount in two installments.

Learned counsel for the petitioner of the present case submits that Mr. Santosh Kumar has not paid any installment in terms of his undertaking given in Criminal Miscellaneous No. 37162 of 2018.

This Court had granted bail to opposite party nos. 2 to 4 on the statement made at Bar that their father namely, Santosh Kumar would return the amount in two installments, but today, learned counsel for the opposite party nos. 2 to 4 has taken just a contrary stand submitting that there is no agreement between the opposite party nos. 2 to 4 and the petitioner and the opposite party nos. 2 to 4 are unable to pay the amount.

This Court had granted bail to the opposite party nos. 2 to 4 on the basis of the statement that father of opposite party nos. 2 to 4 would pay the entire amount and now they are saying that they are unable to pay the same. They cannot be



allowed to change the stand at the subsequent stage to their convenience, it is nothing but committing a contempt of Court.

In such view of the matter, the bail granted to the opposite party nos. 2 to 4 vide order dated 04.07.2018 passed in Criminal Miscellaneous Nos. 37349 of 2018 is hereby cancelled. This Court directs the Police officials to take opposite party nos. 2 to 4 under custody and also issue a notice why a contempt proceeding be not initiated against them for making wrong statement before this Court that their father would pay the entire amount in two installments and the opposite party nos. 2 to 4 shall file their show-cause within three weeks from the date of receipt of show-cause.

Accordingly, this application is allowed.

(Shivaji Pandey, J)

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