

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2868 of 2019

Arising Out of Town PS. Case No.-298 Year-2018 Thana- Aurangabad Town District-
Aurangabad

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1. Binde Yadav @ Binday Yadav, aged about 53 years, Sex-Male.
 2. Munna Yadav @ Mundrika Yadav, aged about 51 years, Sex-Male.
- Both are sons of Late Yadu Yadav, Resident of Village- Katharua, P.S.- Town,
District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13, Adv. Mr. Rohit Kumar, Adv.
For the Informant	:	Mr.Bhanu Pratap Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-01-2019 Heard learned counsel for the petitioners and learned
counsel representing the informant.

Petitioners are seeking anticipatory bail in connection
with Town P.S. Case No. 298 of 2018 dated 10.10.2018
registered for the offences punishable under Sections 341, 323,
504, 406, 465, 467, 468, 471, 506 and 120 (B) of the Indian
Penal Code.

The allegation against the petitioners is that they have
sold eight decimals of the land which fall in the share of the
informant by virtue of the Panchnama executed on 15.05.1960.
This piece of land is said to have fallen in Schedule 1 which was
allotted to the informant's side.



Learned counsel for the petitioners submits that the petitioners are co-sharer and as such they have sold their share of land whereas learned counsel for the informant has drawn the attention of this Court towards the findings recorded by this Court in First Appeal No.1031 of 1978 wherein this Court has categorically held that the appellants (informant's side) have been able to prove that there had already been partition between the parties and the contrary finding of the trial Court was, therefore, reversed.

It is submitted on behalf of the informant that despite the Judgment of the Court which has already been affirmed up to Hon'ble Supreme Court, the petitioners are involved in selling the land which belong to the informant.

In the given facts and circumstances of the case, where this Court finds that there are some materials particularly the Judgment of this Court in First Appeal No. 1031 of 1978 indicating about the partition of the properties and the land and this land is said to have fallen in the share of the informant, this Court is not willing to grant anticipatory bail to the petitioners.

In case the petitioners surrenders in the learned Court below and prays for regular bail within a period of four weeks from today, the same shall be considered by the learned Court



below on its own merit and without being prejudice by the order
of this Court and on the basis of the materials available on the
record.

The application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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