

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7369 of 2019

Arising Out of PS. Case No.-373 Year-2011 Thana- KHAGARIA District- Khagaria

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1. Mithilesh Kumar aged about 38 years (Male).
 2. Rajesh Kumar aged about 36 years (Male).
- Both son of Dilip Kuamr, both resident of Village -Chharapatti, P.S-
Alouli, Distt.-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Yogendra Kr. Singh, APP.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection
with Khagaria P.S. Case No. 373 of 2011 registered for the
offences punishable under Sections 467, 468, 471, 420 and 120
(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that these
petitioners are the purchasers from co-accused, Raj Kumar
Tulsiyan. The allegation is that the informant was holding the
power of attorney of the land in question which has been
fraudulently sold by Raj Kumar Tulsiyan in favour of these
petitioners. The vendor of these petitioners, Raj Kumar Tulsiyan
has already been granted the privilege of anticipatory bail by a



learned Coordinate Bench of this Court in Cr. Misc. No.8192 of 2012 as contained in Annexure '2' to the present application.

It is further pointed out that in Paragraph 7 a specific statement has been made that up till now the investigation is going on against these petitioners.

On the other hand, learned APP for the State has opposed the prayer for anticipatory bail as according to him, the petitioners have moved for anticipatory bail after about seven years and as such by not submitting themselves to the investigation in the present case, they have delayed the whole investigation of the case and as such they are not entitled to get the privilege of anticipatory bail.

In the given facts and circumstances, where I find that these petitioners are looking for anticipatory bail after about seven years in the present case, the learned Sessions Judge, Khagaria has while refusing to grant anticipatory bail to the petitioners rightly observed that if so advised, the petitioners may surrender before the learned Court below and pray for regular bail. This Court is also not willing to grant anticipatory bail to the petitioners. It is, however, made clear that in case the petitioners surrender in the learned Court below and pray for regular bail within a period of four weeks from today, the same



shall be considered on its own merit and without being prejudice by the order of this Court. The learned Court below shall consider the entire materials available on the record including the order passed by the learned Coordinate Bench of this Court in the case Raj Kumar Tulsiyan and shall take independent view of the matter.

The application is disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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