

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25999 of 2017

Arising Out of PS. Case No.-30 Year-2006 Thana- PIPRA District- East Champaran

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1. Hamid @ Hamid Ansari Son of Late Sattar Mian,
 2. Amrun Nesha @ Amrun Nosha , son of Hamid @Hamid Ansari, null
 3. Shamshad Alam, Son of Hamid @ Hamid Ansari,
 4. Hamja Khatoon @ Samsa Khatoon, Wife of Hamid @ Hamid Ansari, All Resident of Village- Haradiabad, Police Station- Pipra , District- East Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sabra Khatoon , Wife of Md. Asraf Ali, R/o Village- Haradiabad, Police Station- Pipra , District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Adv
For the Opposite Party/s : Mr.Sri Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

6 14-02-2019 Heard learned counsel for the petitioners as well as learned APP.

2. It has been reported at the end of the learned counsel for the petitioners that petitioner no.4, Hamja Khatoon @ Samsa Khatoon has died.

3. Now-a-days, a tendency has developed amongst the litigants to force the court to twist over their fingers and this petition happens to be a glaring example thereof. Petitioners along with others were released on bail/anticipatory bail and then thereafter absconded whereupon their bail bonds were cancelled, processes were issued and the matter is pending



awaiting their presence. As is evident from the report submitted by the District & Sessions Judge, East Champaran at Motihari communicated vide letter no. 2069/E dated 12.02.201. Instead of placing the real fact on the first day of submission dated 27.08.2018, it was submitted at the end of petitioners that the proceeding has not been advanced irrespective of submission of charge-sheet but, they concealed that on account of their absence, the matter was lingering for appearance and in the aforesaid background, they got further proceeding stayed.

4. It is also evident from the record that there happens to be some sort of marital discord and in the aforesaid background, the instant case has been filed at the end of the OP No.2/complainant, Sabra Khatoon which had already been perceived while entertaining a petition under Section 482 CrPC filed on behalf of Md. Salauddin and others under Cr. Misc. Petition 2417/2008 which was allowed vide order dated 05.03.2009.

5. Be that as it may, considering the conduct of the petitioner, let the petitioners first surrender before the learned lower court and then will be at liberty to ask for quashing of the order, if any, by filing a separate petition because of the fact that there happens to be concealment of the fact at the end of the



petitioners intentionally/purposely/malafidely.

6. Accordingly, petition is dismissed. The stay so
granted vide order dated 27.08.2018 stands vacated.

(Aditya Kumar Trivedi, J)

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