

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67555 of 2019

In
CRIMINAL MISCELLANEOUS No.17607 of 2019

Arising Out of PS. Case No.-539 Year-2018 Thana- PATLIPUTRA District- Patna

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1. Prabhas Kumar @ Prabhat Kumar, 47 years , (Male)
 2. Dilip Narayan, aged about 35 years , (Male) both sons of Late Phuleshwar Prasad Yadav, resident of House No. 2/5, Vivekanand Park, Patliputra Colony, P.S. Patliputra, Town and District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Priya Ranjan Srivastava, son of Late Hira Nand Prasad, resident of Saket Vihar, Mitra Mandal Colony, Anisabad, P.S. Gardanibagh, Town and District Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Maijorwar
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned counsel appearing for the informant.

Petitioners have filed the present modification application for modification of the order dated 30.07.2019 passed in Cr. Misc. No. 17607 of 2019 to the extent that the informant is not ready to take over the possession of the flat in question despite the fact that petitioners approached the informant to have physical possession of the flat in question and also sent registered letters to the informant on 09.08.2019 , but the informant is not ready to take possession of the flat in



question.

Learned counsel for the petitioners thus submits that the order of handing over possession of the flat in question to the informant dated 30.07.2019 be modified to the extent that petitioners are ready to submit the key of the flat before the learned court below and further prayer is that the time for surrender by the petitioners be extended by 10th January 2020.

On the other hand, learned counsel for the informant submits that the informant has given reply to the registered notice served by the petitioner dated 09.08.2019 and has stated that the flat is not ready and is not habitable and that is why the informant is not willing to take possession of the flat.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioners are ready to hand over the possession of the flat in question to the informant but the informant is raising dispute regarding non -completion of the flat, I am inclined to modify the order dated 30.07.2019 passed in Cr. Misc. No. 17607 of 2019 to the extent that the key of the flat shall be deposited by the petitioners before the learned court below in a *small* box, which will be kept by the court below in safe custody and further the petitioners are allowed to surrender before the learned court below and furnish



bail bond by 10th January 2020 in connection with Patliputra
P.S. Case No. 539 of 2018 (G.R. No. 8616 of 2018) to the
satisfaction of learned Sub Judge XII- cum- ACJM, Patna.

(Anil Kumar Sinha, J)

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