

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72901 of 2019

Arising Out of PS. Case No.-133 Year-2019 Thana- BIHPUR District- Bhagalpur

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1. BINDESHWARI SAH, Son of Late Jamuna Sah.
 2. Pappu Sah, Son of Bindeshwari Sah.
Both Residents of Village - Jhandapur, P.S.-Bihpur (Jhandapur),
District-Bhagalpur.

... .. Petitioners

Versus

1. The State of Bihar,
2. Mithilesh Kumar, aged about 22 years, Male, son of late Vijay Sah, resident
of village- Jhandapur, P.S.- Bihpur, District- Bhagalpur.

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Rajesh Kumar Pandey
For the Opposite Party	:	Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 22-12-2021

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bihpur (Jhandapur) P.S. Case No. 133 of 2019 registered for the offence punishable under Sections 147, 323, 342, 379, 420, 120-B, 406, 467, 471, 504 and 506/34 of the Indian Penal Code.

The petitioners are father and son. Allegation has been made that petitioner no.1 has cheated the informant by getting a sale deed executed surreptitiously by late Jamuna Sah thereby, denying the informant's share in the land.

When this fact came to the knowledge of the informant he went and demanded his share, which was refused by petitioner no.1 and petitioner no.2 misbehaved with him.

On 18.12.2019, a coordinate Bench of this Court



had passed the following order:-

“Petitioners are directed to array the informant as opposite party no.2 during the course of the day.

Issue notice to newly added opposite party no.2 by ordinary as well as speed post for which requisites etc. must be filed one week after winter vacation.

Rule is made returnable within four weeks.

List this case on 11.02.2020 under the appropriate heading.

It is submitted by learned counsel for the petitioners that the petitioners are ready to return the property of the informant, hence, no coercive step shall be taken against the petitioners in connection with Bihpur (Jhandapur) Case No.133 of 2019 pending before the learned A.C.J.M.-Ist, Naugachia, Bhagalpur.”

Thereafter, the petitioners have not acted as per their own undertaking given before this Court on 18.12.2019 and they are not ready to return the property to the informant.

It seems that the petitioners had given undertaking in the order dated 18.12.2019 only with an intention to get the interim protection from this Court. The Court cannot be taken for a ride by such kind of litigants and strict view should be taken in such type of cases. Though the case was adjourned on a number of occasions to comply with the undertaking given by the petitioners but they have not complied their own undertaking.



In that view of the matter, this anticipatory bail application filed on behalf of the petitioners is dismissed with a cost of Rs.5000/-.

The petitioners are directed to surrender in the court below within four weeks from today.

(Sandeep Kumar, J)

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