

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40795 of 2021

Arising Out of PS. Case No.-167 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Manish Kumar Son of Late Om Prakash Resident of Dwarkapuri Colony, Dr.
R.P. Road, P.S.- Kotwali, District- Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 43644 of 2021

Arising Out of PS. Case No.-167 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

- =====
1. Binay Kumar Singhanian Son of Late Mahabir Prasad Singhanian Resident of
Singhanian Building, At Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali,
District- Bhagalpur, Bihar.
 2. Sumitra Devi Bajaj @ Singhanian @ Sumitra Devi Singhanian W/o- Sri Ram
Karan Bajaj, Daughter of Late Mahabir Prasad Singhanian Resident of
Singhanian Building, At Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali,
District- Bhagalpur, Bihar. At present residing at Cart Sarai Road (Bakari
Bazar), Upper Bazar, P.S.- Kotwali, Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 45132 of 2021

Arising Out of PS. Case No.-167 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

- =====
1. Anup Kumar Singhanian Son of Binay Kumar Singhanian Resident of
Singhanian Building Dr. R.P. Road, Khaligabagh Chowk, P.S.- Kotwali,
District- Bhagalpur, Bihar.
 2. Rajesh Kumar Singhanian Son of Binay Kumar Singhanian Resident of
Singhanian Building Dr. R.P. Road, Khaligabagh Chowk, P.S.- Kotwali,
District- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 40795 of 2021)

For the Petitioner : Mr. S. D. Sanjay, Sr. Advocate



For the State : Mrs. Priya Gupta, Advocate
For the Informant : Mr. Shailendra Kumar, APP
Mr. Bajarangi Lal,
Mr. Ashish Kumar Ghosh, Advocates
(In CRIMINAL MISCELLANEOUS No. 43644 of 2021)
For the Petitioners : Mr. S. D. Sanjay, Sr. Advocate
Mrs. Priya Gupta, Advocate
For the State : Mr. Ram Priya Sharan Singh, APP
For the Informant : Mr. Bajarangi Lal,
Mr. Ashish Kumar Ghosh, Advocates
(In CRIMINAL MISCELLANEOUS No. 45132 of 2021)
For the Petitioners : Mr. S. D. Sanjay, Sr. Advocate
Mrs. Priya Gupta, Advocate
For the State : Mr. Parmeshwar Mehta, APP
For the Informant : Mr. Bajarangi Lal,
Mr. Ashish Kumar Ghosh, Advocates

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-04-2022 Heard learned senior counsel for the petitioners,

learned APP for the State as well as learned counsel appearing

on behalf of the informant.

Since all these applications arise out of Bhagalpur
Kotwali P.S. Case No. 167 of 2021, they have been heard
together and they are being disposed of by this common order.

The petitioners of all these applications apprehend
their arrest in connection with Bhagalpur Kotwali P.S. Case No.
167 of 2021 registered for offences under Sections 467, 468,
471, 420 and 120(B)/34 of the Indian Penal Code.

The dispute is between the parties for partition of the
joint family property. There are allegations and counter
allegations levelled by both the parties. There is partition suit
pending between the parties. There is no chance of absconding



of the petitioners.

It seems that both the parties are not trying for disposal of the partition suit and taking other steps instead of pursuing the partition suit.

The informant has made allegations of fraud etc. against the accused persons who are none else than the brothers.

Considering the aforesaid facts, all these applications for anticipatory bail are allowed.

Accordingly, let the petitioners of all these applications, above-named, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali P.S. Case No. 167 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both the parties are directed to cooperate in disposal of Partition Suit No. 792 of 2013 pending in the court of learned Subordinate Judge, Bhagalpur. The Subordinate Judge, Bhagalpur, who is hearing the aforesaid Partition Suit, is directed to dispose of the same within a year from the date of receipt/production of a copy of this order. The court below will



proceed with the Partition Suit even if either of the parties does not cooperate in disposal of the Partition Suit. Further proceeding in the aforesaid Partition Suit should not be stayed on mere asking by either of the parties.

Learned counsel for the informant submits that there is one more partition suit between the parties bearing Partition Suit No. 220 of 2014.

The court below will proceed with Partition Suit No. 220 of 2014 in accordance with law and if an application under Section 10 of the Code of Civil Procedure is filed in subsequent suit then it will pass an appropriate order in accordance with law.

The trial of the present case will also proceed in accordance with law and in case the accused persons do not cooperate in disposal of the trial, the court below will take steps for cancellation of bail bonds of the petitioners.

With the aforesaid observations and directions, all these applications are allowed.

(Sandeep Kumar, J)

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