

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74545 of 2024

In
CRIMINAL MISCELLANEOUS No.6916 of 2024

Arising Out of PS. Case No.-8247 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Birendra Sah Son of Late Radhe Sah Resident of Tej Pratap Nagar,
Anishabad, P.S. - Beur, District - Patna, at present residing at Shidheshwar
Nagar, Mainpura, P.S. - Patliputra, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanchal Kumari Wife of Santosh Kumar Resident of House No. 170,
Shidheshwar Nagar, Mainpura, P.S. - Patliputra, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Priya Raj, Adv. Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr. Vaibhav Vikram Singh, Adv. Mr. Aishwarya Tandon, Adv. Mr. Vishesh Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 16-05-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the O.P. No.2.

2. Learned Counsel for the petitioner submits that the

present application has been filed for modification in order
dated 09.04.2024 passed by this Court in Cr. Misc. No.6916 of
2024 in which petitioner was granted provisional bail with
certain directions.

3. Counsel further submits that the petitioner was

directed to provide physical possession of the land to the
informant within 60 days and the informant is directed to



prepare his boundary wall and thereafter, a certificate shall be filed before the court within one month and then the trial Court is directed to confirm his provisional bail.

4. Counsel further submits that there is enough land on the said Khata No.651, Plot No.441 situated at Mauza Chapaur, P.S. Masaurhi, Patna, but O.P. No.2 is not taking the said land and prepared to construct his boundary wall.

5. Counsel for the O.P. No.2 submits that whatever argument made by the counsel for the petitioner is not correct. It is false submission made by the counsel for the petitioner due to the reason that she has filed an supplementary affidavit and in the said supplementary affidavit, she has annexed the report of Amin which is Annexure-R/E in which it has been indicated that during measurement, it has been found that there is no land left in Plot No.441 as petitioner has already sold the said land and given possession to the respective person.

6. Counsel for the petitioner submits that he is not in a position to save his client inspite of the fact that this Court has granted her opportunity twice.

7. In this view of the matter, this Court finds that there is no merit in this case, and hence, the present modification application is hereby dismissed.



8. However, trial court is directed to take all coercive action against the petitioner to secure his presence for conducting the trial.

(Dr. Anshuman, J.)

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