

Court No. - 16

Case :- CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. - 138 of 2023

Applicant :- Shri Jitendra Kumar Dubey @ Jitendra Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 2 Others

Counsel for Applicant :- Arun Kumar Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Arun Kumar Tewari, learned counsel for the applicant, Sri Manish Kumar Pandey, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking cancellation of the anticipatory bail granted to opposite party Nos.2 and 3 by means of the order dated 02.08.2023 passed by this Court in CRIMINAL MISC. BAIL CANCELLATION APPLICATION No.1706 of 2023.
3. Cancellation of the aforesaid order has been sought on the ground that opposite party Nos.2 and 3 had obtained mutation order on the strength of a forged death certificate.
4. Learned counsel for the applicant has submitted that opposite party Nos.2 and 3 are threatening the applicant for withdrawing the case. The applicant claims to have given an application dated 31.10.2023 to the Station House Officer stating that the opposite party Nos.2 and 3 are threatening to take forcible possession of the property in dispute.
5. Civil proceedings are already pending between the parties regarding the land in dispute and mutation order passed in favour of opposite party Nos.2 and 3 has already been stayed. The applicant *prima facie* does not appear to have taken any steps to seek an injunction from restraining the applicant for making forcible possession of the land in dispute and he has merely sought cancellation of anticipatory bail granted to opposite party Nos.2 and 3

to protect his possession over the land in dispute.

6. Having considered the aforesaid facts and circumstances of the case, I am of the view that the aforesaid apprehension does not give rise to a cause for cancellation of anticipatory bail granted to opposite party Nos.2 and 3. The application for cancellation of the anticipatory bail is accordingly, **rejected.**

(Subhash Vidyarthi, J.)

Order Date :- 7.12.2023
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