

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35900 of 2015

Arising Out of Complaint Case No.1270C Year- 2012 District- MUNGER

- =====
1. Bikash Sharma, son of Janardan Sharma.
 2. Dingu Sharma @ Bisash Kumar Sharma @ Bibhash Kumar Sharma, son of Janardan Sharma.

Both resident of village Laduee, P.S. Kharagpur, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Koyali Devi, wife of late Ganga Kapari, resident of village Laduee, P.S. Kharagpur, District Munger.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Adv.

For the State : Mr. Ajay Kr. Jha, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-12-2015

Heard learned counsel for the Petitioner and the State.

The Petitioners were granted anticipatory bail by this Court by an order dated 24.1.2014 passed in Cr. Misc. 40052 of 2013 with one of the conditions that an affidavit would be filed on their behalf that they have no criminal antecedents.

Subsequently, the Judicial Magistrate, 1st Class, Munger, having come to know that there was another case pending against the Petitioner, cancelled their bail bond by the impugned order dated 4.4.2014 passed in Complaint Case No.1270C of 2012.

It has been submitted that no doubt the Complaint was

filed in the year 2011 but the Petitioners were unaware of its pendency. Summons was issued to the Petitioners only on 12.12.2013 which was received by them subsequently. It was then learnt that the Petitioners were accused in another case. In the meanwhile, the Petitioners had made a bona fide submission that they had no criminal antecedents and, hence, they were granted anticipatory bail by this Court.

Having considered the aforesaid submission, the application is allowed and the order dated 4.4.2014 passed by the Judicial Magistrate, 1st Class, Munger, in Complaint Case no. 1270C of 2012, is hereby, set aside.

S.Ali/-

(Anjana Prakash, J)

U		T	
---	--	---	--