

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38963 of 2015

Arising Out of P.S. Case No.134 Year- 2014 Thana -ATHMALGOLA District- PATNA

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Ramkrit Yadav @ Ramkrit Prasad, S/o Shree Naresh Prasad Yadav, Resident of Village Masud Bigha, P.S. Barh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Karnbir Yadav @ Lallu Mukhia, S/o late Ram Bilash Yadav, r/o Village Gulab Bagh, P.S. Barh, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.
For the State : Mr. Kr. Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-12-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks cancellation of anticipatory bail granted to the Opposite Party No. 2 by an order dated 8.6.2015 passed by the Additional Sessions Judge, 1st, Barh, Patna, in connection with Anticipatory Bail Petition No. 97 of 2015 arising out of Athmalgola P.S. Case No. 134 of 2014.

It appears that the Opposite Party No. 2 was granted anticipatory bail without considering the fact that on earlier occasion, the prayer for anticipatory bail had been refused by the order dated 3.9.2014 passed by the Additional Sessions Judge, 1st, Barh, Patna, in connection with A.B.P. No. 242 of 2014 arising out of Athmalgola

P.S. Case No. 134 of 2014.

I see that the Additional Sessions Judge, 1st, Barh, Patna, did not consider the aforesaid facts at all in his order.

Considering that second application for anticipatory bail filed by the Opposite Party No. 2 was not maintainable, the application is allowed also for the reason that the Criminal antecedent of the Opposite Party No. 2 was not mentioned in his petition for bail.

Hence, the anticipatory bail granted to the Opposite Party No. 2 by an order dated 8.6.2015 passed by the Additional Sessions Judge 1st, Barh, Patna, in connection with A.B.P. No. 97 of 2015 arising out of Athmalgola P.S. Case No. 134 of 2014, is hereby, cancelled.

The Opposite Party No. 2 is directed to immediately surrender in the Court below and seek regular bail.

(Anjana Prakash, J)

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