

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28805 of 2012

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The State of Bihar

.... Petitioner/s

Versus

Akhilesh Singh @ Raj Kumar Sin

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

7 25-03-2015

Heard.

This petition has been filed for cancellation of bail, granted to the opposite party in Chiraiya (Shikarganj) P.S. Case No. 167 of 2011 on the ground that after being released from jail custody, the opposite party committed another crime, for which, Chiraiya (Shikarganj) P.S. Case No. 55 of 2012 was registered.

The opposite party was made accused in Chiraiya (Shikarganj) P.S. Case No. 167 of 2011 on the ground that one loaded country-made pistol was recovered from his conscious possession. The opposite party approached this court for grant of bail in Chiraiya (Shikarganj) P.S. Case No. 167 of 2011 by filing Cr. Misc. No. 37127 of 2011 which was allowed by this court vide order dated 18-11-2011 taking note of this fact that prior to institution of Chiraiya (Shikarganj) P.S. Case No. 167 of 2011, only one case had been registered against the opposite party and in that case, he was acquitted. However, it is submitted that after

being released from jail custody, the opposite party again committed an offence for which, Chiraiya (Shikarganj) P.S. Case No. 55 of 2012 for the offences punishable under Sections- 364/379/34 of the Indian Penal Code was lodged against him.

Learned Additional Public Prosecutor, appearing for the State submits that now, it has already been settled by Apex Court of this country that if, a person after being released from jail custody, commits another offence, his bail, granted earlier must be cancelled but I am not, at all, convinced with the aforesaid submission because the Apex Court of this country has given certain guidelines for cancellation of bail of an accused and out of which, one of the guidelines is that the accused must be threat to the society.

In my view, mere institution of one or two cases is not sufficient to presume that the person is threat to the society.

Therefore, in view of the aforesaid discussions, I am of the opinion that there is no justification for cancellation of bail, granted to the opposite party in Chiraiya (Shikarganj) P.S. Case No. 167 of 2011.

Accordingly, this petition stands dismissed.

(Hemant Kumar Srivastava, J)

A.K.V./-

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