

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21283 of 2016

Arising Out of PS.Case No. -506 Year- 2015 Thana -BUXAR District- BUXAR

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SURYA CHAND MAURYA @ SURYA CHANDRA MAURYA Son of
Deep Chand Das, resident of Mohalla- Naya Bazar, Ward No.5, Buxar,
P.S.- Buxar (Town), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar null
2. Shailendra Yadav, son of Keshav Yadav
3. Bangur Yadav @ Bagur Yadav son of Karpuri Yadav Both resident of
Mohalla- Naya Bazar, Mathia, P.S.- Buxar (Town), District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 07-12-2016 Counter affidavit is filed on behalf of opposite party

Nos. 2 &3.

Heard the parties.

Petitioner has preferred this petition for cancellation
of bail, granted to opposite party Nos. 2 & 3 vide order dated 15-
03-2016 passed in Cr. Misc. No. 11393 of 2016 in Buxar (Town)
P.S. Case No. 506 of 2015 on the ground that at the time of
passing the above-said order dated 15-03-2016, it was argued on
behalf of opposite party Nos. 2 & 3 that Title Appeal No. 63 of
2009 was pending but as a matter of fact, the judgment in the
aforesaid Title Appeal had already been pronounced and at the



time of grant of bail, no Title Appeal was pending between the parties.

Learned counsel, appearing for opposite party Nos. 2 & 3 points out that the opposite party Nos. 2 & 3 were not parties to the aforesaid Title Appeal No. 63 of 2009 and as a matter of fact, they gathered the aforesaid information from the concerned parties to the aforesaid Title Appeal and that was the reason, the aforesaid argument was placed before this court.

From perusal of order dated 15-03-2016 passed in Cr. Misc. No. 11393 of 2016, it would appear that pendency of Title Appeal was not the sole criterion for grant of bail to opposite party Nos. 2 & 3 and as a matter of fact, the period of detention of the opposite party Nos. 2 & 3 in jail custody in connection with Buxar (T) P.S. Case No. 506 of 2015 as well as other relevant facts were also taken into consideration while granting bail to them and therefore, in my view, it is not a fit case for cancellation of bail, granted to opposite party Nos. 2 & 3 and accordingly, this cancellation petition stands dismissed.

(Hemant Kumar Srivastava, J)

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