

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32858 of 2014

Arising Out of Complaint Case No. -261 Year- 2011 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Asrar Ahmad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-10-2016 Heard learned counsels for the petitioner-informant
and the State.

The present application has been filed for cancellation of bail, granted to opposite party no. 2 vide order dated 10.01.2013 in Criminal Miscellaneous No.16498/2012 in connection with Complaint Case No.261/2011, pending in the Court of learned Judicial Magistrate, 1st Class, Siwan wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 420, 406, 465, 468 and 120B of the Indian Penal Code.

Prosecution case is that opposite party no.2 sold certain piece of land to the petitioner-complainant which was earlier sold by the ancestor of the petitioner to someone else.

The opposite party no.2 was granted bail on

readiness to give undertaking before the Revenue Authority that he has sold his own share of land to facilitate the mutation of the complainant- petitioner with regard to the land, in question, and in any future proceeding either civil or criminal he further undertook to file such affidavit in any civil and criminal proceeding.

But the petitioner has only filed one affidavit before learned Judicial Magistrate, 1st Class, Siwan, hence violated the undertaking. It is submitted by learned counsel for the petitioner-complainant that twice the bail bond of opposite party no.2 was cancelled but thereafter was granted bail by the learned Court below.

In view of the fact that opposite party no.2 is no longer on anticipatory bail granted by this Court but is at present on the bail granted by learned Court below, this application is not maintainable.

Accordingly, it is disposed of.

Let the learned Court below expedite the trial.

(Dinesh Kumar Singh, J)

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