

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35473 of 2012

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Rajesh Kumar, son of Sri Ramun Ram, resident of Mohalla-Budhanpurwa
Syndicate, Buxar, Police Station-Buxar(T), District-Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Bisheshwar Pandey, son of Late Ram Surat Pandey, resident of
Sahani Patti, Buxar, Police Station-Buxar(T), District-Buxar
3. Sunil Kumar Rai, son of Late Ram Surat Rai, resident of Village-
Puliya, Police Station-Buxar, (Mufassil), District-Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2016

The present application has been filed for cancellation of bail of O.P. Nos. 2 and 3 who were granted bail vide order dated 06.04.2012 passed in Cr. Misc. No. 11695 of 2012 in connection with Buxar(T) P.S. Case No. 17 of 2012 registered under Sections 406, 420, 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.

The prosecution case is of realizing Rs. 1,75,000/- through bank transaction and other amount through cash from the informant for getting the informant LPG dealership and subsequently abused him by calling caste name.

Considering the nature of accusation and the delayed lodging of the First Information Report, the O.P. Nos. 2 and 3 were granted anticipatory bail by this Court.

It is submitted by learned counsel for the petitioner that O.P. Nos. 2 and 3 preferred the bail application without annexing the documents which are the part of the First Information Report. Hence, the order was passed without considering the relevant materials on record and those documents could have explained the delay of three years in lodging the First Information Report.

In view of this Court, the parameters for grant of bail and its cancellation are quite different. Moreover, there is nothing on record to suggest that O.P. Nos. 2 and 3 have misused the privilege of bail.

This Court finds no merit in the application. The application stands dismissed in connection with Buxar(T) P.S. Case No. 17 of 2012, pending in the Court of learned Chief Judicial Magistrate, Buxar.

(Dinesh Kumar Singh, J)

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