

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.265 of 2016

Arising Out of PS.Case No. -471 Year- 2011 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Nanda Nag @ Nanda Devi, wife of Dipak Kumar Nag, D/o Late Muneshwar Prasad, resident of village- Tarar, P.S.- Daudnagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Deepak Kumar Nag @ Dipak Kumar Nag, son of Late Tulsi Ram Tamoli, resident of Bazar Mohalla Doranda, P.S. Doranda, District- Ranchi (Jharkhand).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Dubey
For the Opposite Party/s Mr. Pradip Nr. Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 18.05.2016 Heard both parties.

This petition has been filed for cancellation of bail granted to the opposite party no.2 vide order dated 10.8.2015 passed in Cr. Misc. no. 28514/2015 in connection with Complaint Case no. 471/2011 corresponding to Trial no. 1183/2015 on the ground that material facts were suppressed by opposite party no.2 at the time of consideration of the above stated bail application.

Learned counsel for the petitioner submits that vide order dated 14.12.2012 passed in Cr. Misc. no. 28375/2012 opposite party no.2 was granted the privilege of anticipatory bail subject to condition that he shall transfer 50 % of his entire property including ancestral property to the complainant (petitioner) but suppressing the aforesaid fact, opposite party no.2 moved before this court and vide order dated

10.8.2015 passed in Cr. Misc. no. 28514/2015 got regular bail by this court.

On the other hand, learned counsel for opposite party no.2 submits that opposite party no.2 could not transfer the land in favour of the petitioner and surrendered before the court below and thereafter moved for regular bail which was allowed by this court without any condition of transfer of land and, therefore, there is no suppression of the material facts.

Considering the facts and circumstances as well as submissions of the parties, I do not find any ground to interfere into the order dated 10.8.2015 passed in Cr. Misc. no. 28514/2015. Accordingly, this cancellation petition stands dismissed.

Shahid

(Hemant Kumar Srivastava,J)

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