

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47820 of 2015

Arising Out of PS.Case No. -2746 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Alok Kumar Singh, son of Shri Ragho Prasad Singh, resident of Mohalla-
Keshari Nagar, P.S. - Patliputra, District - Patna - 800024.

.... Petitioner

Versus

1. The State of Bihar.
2. Sunil Kumar Singh son of Late Balram Singh resident of Village -
Gajadharchak, P.S. - Danapur Cantt, District - Patna, at present resident
of House of Sri Nagendra Singh, Indrapuri, Road No. 104, P.S. -
Keshrinagar, District - Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Opposite Party/s : Mr. Madhuri Lata (APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

10 22-11-2017

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the opposite party
no.2.

This application has been filed for cancellation of
bail of opposite party no.2, namely, Sunil Kumar Singh, who has
been granted bail by this Court in Criminal Miscellaneous
No.9254 of 2014 on 19.04.2014 on the ground that he used to
visit the shop of the petitioner and hurls threats for dire
consequences unless he withdraw the case lodged against him.

In the present case, the matter relates to
dishonouring of cheque of Rs.5,00,000/-. Out of which, the



opposite party no.2 has already returned Rs.2,50,000/-, for the rest amount the trial is going on in the Court below.

Learned counsel for the petitioner submits that the opposite party no.2 is facing large number of cases of same nature, even some cases have been lodged after release of the opposite party no.2 with similar to the present case. He further submits that opposite party no.2 used to visit the shop of the petitioner and hurls threats for dire consequences.

Learned counsel for the opposite party no.2 submits that the complaint which has been lodged bearing the statement of two confident employees of the petitioner and there is no independent witness. He denies the allegation to have ever gone to the shop of the petitioner and hurled threat.

The parameter of cancellation of bail is quite different to the parameter of granting bail. Once the bail has been granted unless there is every likelihood of tempering with the evidence or otherwise and also threatening the informant or the complainant, in such circumstance, the Court may cancel the bail. Basically, the present case is a business dispute and allegation of threatening has been made. At this stage, this Court is not cancelling the bail of the opposite party no.2, but this Court directs the opposite party no.2 that he will neither visit the



shop nor house of the petitioner nor go nearby to the aforesaid places and in no way he will give threat to the petitioner either orally or by posture or through telephonic conversation and the message. If this Court finds that the petitioner fails to rectify his behaviour, in such circumstance, the petitioner will be at liberty to inform the police and the police is directed to take appropriate action in accordance with law.

Accordingly, this application is disposed of.

(Shivaji Pandey, J)

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