

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29461 of 2017

Arising Out of PS.Case No. -2262 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Badrinath Pandey, Son of Lakshram Pandey, resident of Village-
Dhodhwalia, P.O.- Baltari, P.S.- Kuchaikote, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ashok Kumar Srivastava, Son of late Gunjeshwari Prasad, Resident of
Village- Bathua, P.O.- Dharm Parsa, P.S. Manjhagarh, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-07-2017 By way of present application petitioner seeks for

cancellation of bail granted to opposite party no. 2 by this Court

vide order dated 14.12.2016 read with order dated 19.01.2017

passed in Criminal Miscellaneous No. 50986 of 2016.

It has been submitted by learned counsel for the
petitioner that opposite party no. 2 has obtained the anticipatory
bail by this Court by misrepresenting the fact that his earlier
application for bail was rejected for non prosecution, however, the
same was rejected on merit. Further submission of learned
counsel for the petitioner is that from perusal of the order dated
14.12.2016 passed in Criminal Miscellaneous No. 50986 of 2016,
it appears that the facts of some other case has been mentioned
and order was passed in Complaint Case No. 2262/2013.

However, so far the submission of learned counsel for the



petitioner that the opposite party no. 2 obtained the anticipatory bail on misrepresentation of fact is concerned, the same cannot be acceded to as while granting bail to opposite party no. 2, the earlier order vide which his application for bail was rejected was very much on the record. So far second submission of learned counsel for the petitioner with regard to the fact that in the order granting bail, facts of some other case has been mentioned is concerned, the same can also not be acceded to as though the facts of some other case has been mentioned in that very case, however, the opposite party no. 2 was granted anticipatory bail in Complaint Case No. 2262 of 2013 and the facts of which was subsequently modified vide order dated 19.01.2017 passed in Criminal Miscellaneous No. 20986 of 2016.

In such view of the matter, this application is disposed of with direction to learned Trial Court to expedite the trial and try to conclude the same as soon as possible, preferably, within a period of nine months.

(Vinod Kumar Sinha, J)

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