

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29156 of 2017

Arising Out of PS.Case No. -28 Year- 2016 Thana -MUFFASIL District- AURANGABAD

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Ratneshwar Prasad Singh Son of Late Mukhram Singh, resident of Mohalla-Krishnapuri (Shahpur), Ward No. 27, P.S. and District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.
2. Surajdeo Singh @ Surydayal Singh @ Suraj Deo Yadav, son of Late Bhikhari Yadav, resident of Village- Lapura, P.S. Aurangabad Muffasil, District- Aurangabad.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6

For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

5 01-11-2017 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State. No one appears on behalf of opposite party no. 2.

Petitioner has filed this petition for cancellation of bail granted to opposite party no. 2 vide order dated 08.09.2016 passed in Cr. Misc. No. 25087 of 2016 subject to condition that opposite party no. 2 shall deposit Rs. 8,70,000/- to the petitioner in equal instalments within one and half years from the date of his release.

Submission on behalf of the petitioner is that even more than after thirteen months from the date of release the opposite party no. 2 has up till now paid only Rs. 2,16,000/- to



petitioner and therefore, he has violated the terms and conditions of the bail but even then the learned court below has not taken any step for cancellation of bail of opposite party no. 2 though the petitioner several times requested before the court below and also filed petition for cancellation of bail which is evident from perusal of Annexure-3 series to the petition.

It would appear from perusal of Annexure-3 series that the petitioner filed several petitions before the Additional Chief Judicial Magistrate-II Ind Aurangabad for cancellation of bail granted to the opposite party no. 2 by this court vide order dated 08.09.2016 in Cr. Misc. No. 25087 of 2016 on the ground of failure of compliance of order of this court but the concerned court has not passed any order on the aforesaid petitions.

In the aforesaid circumstance, this petition stands disposed of directing the learned Additional Chief Judicial Magistrate-II Ind Aurangabad to pass appropriate order on petitions filed on behalf of the petitioner in Aurangabad (M) P.S. Case No. 28 of 2016 in accordance with law taking into consideration the observation given by this court in order dated 08.09.2016 passed in Cr. Misc. No. 25087 of 2016 within a week from the date of receipt/production of copy of this order. Any failure on the part of the concerned court shall be viewed seriously. However, it is made



clear that if the petitioner feels aggrieved by the order passed by the concerned court on his petitions, he may file fresh petition for cancellation of bail before this court.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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