

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40543 of 2017

Arising Out of PS.Case No. -85 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Nand Kumar Singh S/o Late Surendra Prasad Singh Resident of Village-
Kudra Ward No. 2, P.S. Kudra, District-Kaimur Petitioner

Versus

1. The State of Bihar
2. Anil Pratap Singh S/o Kedar Singh Resident of Village-Panchpokhari,
P.S. Kudra, District-Kaimur at Bhabua Opposite Parties

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Appearance :

For the Petitioner : Mr. Anurag Saurav, Adv.

For the Opposite Parties : Mr. Uday Pratap Singh, APP 178

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 04-10-2017

Heard both the sides.

The petitioner filed this petition for cancellation of bail granted to opposite party no. 2. Opposite party no. 2 was granted bail on 11.05.2017, passed in Cr. Misc. No. 21321 of 2017 as the name of opposite party no. 2 figured in the case on suspicion.

The learned counsel for the petitioner submits that opposite party no. 2 is an accused in another case of defalcation of Government money and this fact has been concealed by opposite party no. 2 in paragraph 2 of the bail petition. Therefore, the bail granted to opposite party no. 2, Anil Pratap Singh, may be cancelled.

It appears that opposite party no. 2 was not named in the first information report. The informant filed protest petition, but, the informant did not name opposite party no. 2 in the accused column. On mere suspicion opposite party no. 2 was arrested on 05.03.2017 and during the course of investigation it only transpired that opposite party no. 2 had talk with the deceased on



many dates and there was verbal altercation between opposite party no. 2 and the deceased. It appears that after hearing the learned counsel for the informant, opposite party no. 2 was granted bail.

On mere fact that opposite party no. 2 did not disclose that he was accused in a criminal case registered under Section 409 of the Indian Penal Code, I do not find the case fit for cancellation of bail to opposite party no. 2.

Accordingly, this petition is **dismissed**.

(Prabhat Kumar Jha, J)

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