

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41010 of 2017

Arising Out of P.S.Case No.143 Year- 2017 Thana -MANER District- PATNA

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Ram Babu Singh son of Late Bihari Rai, Resident of Village- Hulasi Tola,
P.S. Maner, District Patna

.... Petitioner

Versus

1. The State of Bihar
2. Kapildeo Rai son of Late Sagina Rai.
3. Biteshwar Rai son of Kapildeo Rai.
4. Deepak Kumar son of Sheoji Singh.
5. Ram Naresh Rai son of Late Yadubansh Rai.
6. Sushil Rai @ Soshil Rai son of Late Sant Lal Rai All Resident of
Village- Hulasi Tola, P.S. Maner, District Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Parties : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

5 29-11-2017 The petitioner has approached this Court for cancellation of anticipatory bail granted to the Opposite Party Nos.2 to 6 in connection with Maner P.S.Case No.143 of 2017 registered for the offence under Sections 147, 148, 149, 341, 323 and 307 of the IPC and Section 27 of the Arms Act. The Opposite Party Nos.2 to 6 were allowed anticipatory bail on 17.07.2017 in Cr.Misc.No.31238 of 2017.

2. Heard learned counsel for the petitioner and counsel for the Opposite Parties.

3. A counter affidavit has been filed on behalf of Opposite Party Nos.2 to 6. The learned counsel for the petitioner fairly concedes that the averment made in para-5 of his application



is not correct as regards antecedent of the Opposite Party Nos.2 to 6. The Maner P.S.Case No.224 of 2011 and 267 of 2012 have actually been filed by Shivjee Singh who is one of the co-accused of Maner P.S.Case No.143 of 2017. The said Shivjee Singh has been arrested and is presently in jail. From the submission of learned counsel for both the sides and it appears that there is nothing on record to show that the Opposite Party Nos.2 to 6 have misused the privilege of anticipatory bail.

4. It is well settled that principles regarding grant of bail stand on one footing but the principles regarding cancellation of bail stand on altogether different footing. The principles regarding cancellation of bail has been enunciated also by the Hon'ble Apex Court in catena of judgments including the judgment in the matter of Aslam Baba Lal Desai vrs. State of Maharashtra AIR 1993 SC page-1. The bail of Opposite Party Nos.2 to 6 is not sought to be cancelled on the basis of those principles laid down by the Apex Court.

5. In view of the above facts, I do not find any merit in this application requiring any interference in the order allowing anticipatory bail to the Opposite Party Nos.2 to 6.

6. This application is accordingly dismissed.

(Sanjay Kumar, J)

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