

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46456 of 2017

Arising Out of PS.Case No. -139 Year- 2014 Thana -RAJIVNAGAR District- PATNA

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1. Krishan Kumar Singh S/o Late Rajendra Narayan Singh R/v - Keshari Nagar, P.S. - Patliputra, Distt. - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manishdeo S/o Sri Chandradev Roy @ Chandan Roy, S/o Late Bhagwat Rai R/v - Makhdumpur, Dighaghat, Patna - II, P.S. - Digha, Distt. - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 16-11-2017 Heard the parties.

This petition has been filed for cancellation of bail granted to opposite party No. 2 vide order dated 24-03-2017 passed in Cr. Misc. No. 10654 of 2017.

Counsel for the petitioner has submitted that earlier anticipatory bail was granted to opposite party No. 2 by order dated 24-03-2017 passed in Cr. Misc. No. 10654 of 2017 on the ground that he has not received the money and the money has been received by his father. He has submitted that in the original agreement, although the same was entered into between the informant and father of this petitioner but on the back page of that agreement, the receiving is of this petitioner.



Counsel for opposite party No. 2 has submitted that there is settled principle of law that grant and cancellation of bail are two different matters. Cancellation of bail can only be done when it comes that after being enlarged on bail, the petitioner has committed any obstruction in judicial proceeding or misused the privilege of bail but in the instant cancellation petition, no such allegation has been made against opposite party No. 2.

Counsel for petitioner has pointed out towards legal notice sent by opposite party No. 2 vide Annexure-8 to this petition, after being granted anticipatory bail. But this court finds that the same has no relevance with this case.

It is an admitted fact that an agreement has been entered into between Chandra Deo Rai and the informant. It is also admitted that power of attorney was executed by Chandradeo Rai in favour of informant vide Annexure-7. As such, from own document filed by the petitioner, it is apparent that entire agreement was done by Chandra deo Rai. The counsel for opposite party No. 2 has submitted that he has merely given the receiving in favour of receipt of money by his father Chandradeo Rai.

In such facts and circumstances, this court does not find any ground to cancel the anticipatory bail granted to opposite



party No. 2 vide order dated 24-03-2017 passed in Cr. Misc. No. 10654 of 2017. Accordingly, the petition is rejected.

(Sanjay Priya, J)

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