

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53828 of 2016

Arising Out of PS.Case No. -894 Year- 2015 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

=====

1. Binod Rai Son of Brahamdeo Rai Resident of Village-Lodipur, Ward No. 30, P.S.-
Town Hajipur District-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Shivji Rai @ Birendra Kumar Son of Late Narayan Rai Resident of Village-Lodipur,
Ward No. 30, P.S.-Town Hajipur District-Vaishali

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv
For the State : Mr.Kumar Ranjit Ranjan, APP
For the Opposite Party no.2: Mr. Vinay Ranjan, Adv

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 01-03-2017

The petitioners has sought for cancellation of anticipatory bail granted to the Opposite Party No. 2 by order dated 10.03.2016 passed in Criminal Miscellaneous No. 5432 of 2016 arising out of Hazipur Town P.S. Case No. 894 of 2015 registered for the offences punishable under various sections of the Indian Penal Code including Section 302. This is general principle that privilege of anticipatory bail should not be granted in a case where person is an accused of the offence punishable under Section 302 of the Indian Penal Code.

Considering the submission advanced on behalf of the Opposite Party No. 2, in the said anticipatory bail application that



there was absolutely no material against him and also considering it to be an exceptional circumstance, I had granted privilege of anticipatory bail.

The said concession of anticipatory bail granted by this Court is sought to be cancelled mainly on the basis that while on bail Opposite Party No. 2 has committed another offence punishable under Section 302 of the Indian Penal Code leading to registration of Hazipur Town P.S. Case No. 612 of 2016. The Opposite Party No. 2 has been made accused in the said case and is in jail in connection with the said case.

Learned counsel appearing on behalf of the Opposite Party no. 2 opposing the prayer for cancellation of bail has submitted that Opposite Party No. 2, is being unnecessarily dragged in other cases. According to him Hajipur Town P.S. Case No. 612 of 2016 has been filed in retaliation to filing of Hajipur Town P.S. Case No. 610 of 2016.

Section 437(3)(b) of the Code of Criminal Procedure, 1973 prescribes that the person being released on bail shall not commit an offence similar to the offence of which he is an accused or suspect, of commission of which he is suspected, as one of the conditions for release on bail. The said principle, in my opinion, applies equally in the case of conduct of a person upon his release on



anticipatory bail.

In such circumstance, I am left with no other option but to cancel the bail bonds furnished by the Opposite Party No. 2, by virtue of order of this Court dated 10.03.2016, passed in Criminal Miscellaneous No. 5432 of 2016 arising out of Hazipur Town P.S. Case No. 894 of 2015. This application is allowed.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.03.2017
Transmission Date	08.03.2017

