

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10163 of 2017

Arising Out of PS.Case No. -211 Year- 2011 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Md. Razi Ansari @ Munna @ Munna Ansari, son of Late Abdul Razak Ansari, resident of Village- Rampur Singhara, P.S.- Mahua, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rashida Khanam Abid Zilani, D/o Ainul Abedin and wife of Md. Razi Ansari @ Munna @ Munna Ansari, resident of Village- Rampur Singhara, P.S.- Mahua, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 23-03-2017 Heard learned counsel for the petitioner and the
learned A.P.P.

There is no need of issuance of notice to the opposite party no. 2 because of simple ground that in view of the order dated 26.02.2015 passed in Cr. Misc 19888/2014, further proceeding in Complaint Case No. C-211/2011 ordered to be stayed. Even then the learned Sub-Divisional Judicial Magistrate, Dalsingsarai vide order dated 02.02.2017 cancelled bail bond of the petitioner, on the ground, that the petitioner did not appear in the court.

On perusal of the records, it appears that the



petitioner was granted anticipatory bail vide order dated 05.03.2014 passed in Cr. Misc. 52012/2013. It is submitted that the petitioner is complying order after grant of anticipatory bail to him. Thereafter, the petitioner filed Cr. Misc. 19888/2014 for quashing the order finding prima facie case against the petitioner and others and this court vide order dated 26.02.2015 stayed the further proceeding of the Complaint Case No. C-211/2011 corresponding to Trial No. 1249/2014.

It is submitted that the petitioner is following the conditions of the aforesaid order and deposits Rs. 4,000/- p.m. in favour of the Opposite party no. 2, but the learned court below did not take notice of the aforesaid order and cancelled the bail bond of the petitioner vide order impugned. It appears that further proceeding was stayed in C-211/2011 and therefore, the cancellation of bail bonds is illegal. Accordingly the order dated 02.02.2017 is set aside and the petition is allowed.

(Prabhat Kumar Jha, J.)

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