

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.827 of 2015

=====

Ranjan Kumar aged about 42 years son of Late V.D. Prasad, resident of House No. N/8155.1, Mohalla- Newada, P.O.- Sundarpur, P.S.- Varanasi, District- Varanasi, State- Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seraj Anwar, son of Late Serajuddin Ahmad, resident of 504, Sharf Apartment Fraser Road, P.O.- G.P.O., P.S.- Kotwali, District- Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha

For the Respondent/s : Mr. Narsing Tanti(App)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 23-03-2018 The petitioner has challenged the order dated 02.04.2015 passed by the learned Additional Sessions Judge, II, Patna in Cr. Misc. No. 212 of 2012 whereby the prayer made on behalf of the petitioner for cancelling the bail granted to the O.P. No. 2 has been rejected.

It appears that the petitioner had filed a complaint case vide Complaint Case No. 611(C) of 2011 for the offences under Sections 406, 420 of the Indian Penal Code with the allegation that he was cheated of Rs. 12,72,000/- by the O.P. No. 2. It further appears that while moving the bail petition before the Court below, the petitioner was neither informed nor noticed. However, the Court below granted bail to O.P. No. 2 on the ground that he was ready with a bank draft of



Rs. 1,50,000/- in favour of the complainant/petitioner and was also ready to deposit the rest of the amount viz. Rs. 11,22,000/- in eight equal installments in favour of the complainant/petitioner.

The learned Additional Sessions Judge, on taking into account the fact that the entire money has been deposited by the O.P. No. 2, did not interfere with the order granting bail even though, the complainant/petitioner was not noticed by the Court below while hearing the bail application of O.P. No. 2.

There is no dispute with regard to the fact that the money has already been deposited by the O.P. No. 2. The petitioner, instead of getting such money withdrawn in his favour, had chosen to prefer a miscellaneous case before the Court below seeking cancellation of bail of O.P. No.2 and has also challenged the order refusing to cancel the bail, before this Court.

Regard being had to the fact that now money has been returned by O.P. No. 2, this Court is not inclined to interfere with the order granting bail to O.P. No. 2.

The petition is, accordingly, dismissed.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

