

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28423 of 2018

Arising Out of PS. Case No.-195 Year-2017 Thana- KHIJARSARAI District- Gaya

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Mithilesh Kumar Pathak Son of Late Girjanand Pathak Resident of village-
Khizarsarai, P.S.- Khizarsarai, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pappu Singh Son of Awadh Singh Resident of village- Ismailpur, P.S.-
Khizarsarai, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bharat Lal

For the Opposite Party/s : Mr.Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 19-12-2018 Heard learned Counsel for the petitioner and the

learned APP for the State.

The petitioner has approached this Court for
cancellation of bail of the Opposite party No. 2 granted in Cr.
Misc. No. 696 of 2018 in connection with Khijarsarai PS Case
No. 195 of 2017 registered under Sections 147, 148, 149, 427,
323, 506, 379, 447 and 385 of the IPC.

It is submitted that the Opposite party No. 2 had
obtained bail by suppressing the pendency of criminal cases
against him. The two cases said to be pending are Khijarsarai PS
Case No. 276 of 2017 dated 29.9.2017 and Khijarsarai PS Case
No. 354 of 2017 dated 6.12.2017.

It is submitted on behalf of the Opposite party No. 2



that he was taken into custody in Khijarsarai PS Case No. 195 of 2017 on 10.10.2017. As on that date he was not having knowledge of institution of Khijarsarai PS Case No. 276 of 2017 on 29.09.17 as he had not even been remanded in that case. As regards the other pending proceeding arising out of Khijarsarai PS Case No. 354 of 2017, this Court would find that the case has been lodged on 06.12.17 after the Opposite party No. 2 was taken into custody on 10.10..2017 just six days before filing of the bail application vide Cr. Misc. No. 696 of 2018 on 13.12.17. Counsel for the Opposite party no. 2 submits that he was not having knowledge of the said case.

The submission to that effect appears to be correct in view of proximity of filing of Cr. Misc. No. 696 of 2018 with that of lodging of Khijarsarai PS Case No. 354 of 2017.

The application for cancellation of bail of opposite party No. 2 is therefore rejected.

(Madhuresh Prasad, J.)

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