

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33732 of 2015

Arising out of Complaint Case No.-47 Year-2014 Thana- PATNA COMPLAINT CASE
District- Patna

=====

Haridwar Upadhyay, so of Late Bindeshwar Upadhyay resident of Sumitra Bhawan, RMS Colony, Road No. 3, Police Station- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Narayan Ojha, son of Late Raghuvir Ojha, resident of Mohalla- Bahadurpur Housing Colony, Sector-7, Block- 7, Flat No. 15, Bhoothnath Road, Police Station- Agamkuan, District- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate
For the Opposite Party/s : Mr. Ahmad Ali (APP)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 18-04-2018

This application has been filed under Section 482 Cr.P.C. challenging an order dated 16.06.2015 passed by the learned 1st Additional District & Sessions Judge, Patna in Cr. Misc. Case No. 48 of 2015 (cancellation of bail), wherein an order passed by the court below granting bail to the applicant has been cancelled. Bail was granted by the Incharge Additional Chief Judicial Magistrate, Patna City and the cancellation application having been allowed by the District & Sessions Judge, Patna, this application.

Having heard learned counsel for the parties, this Court finds that based on various materials that came on record,



the learned Additional Sessions Judge in the impugned order dated 16.06.2015 has gone through the record and found that the bail was granted without proper notice. There was suppression of fact and the rules governing grant of bail have been violated.

Taking note of all these factors, which are detailed in the order impugned passed on 16.06.2015, the learned Sessions Judge has cancelled the bail. In my considered view, the order passed by the learned Sessions Judge cancelling the bail, in the facts and circumstances of the case, cannot be termed as perverse, erroneous or illegal to such an extent that in exercise of the extraordinary jurisdiction of this Court in a proceeding under Section 482 Cr.P.C. the same can be interfered with.

Accordingly, finding no case for interference, the application stands dismissed.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	24.04.2018
Transmission Date	24.04.2018

