

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13671 of 2017

Arising Out of PS.Case No. -284 Year- 2014 Thana -KATEYA District- GOPALGANJ

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Bharduli Rai Son of Late Baliram Rai, Resident of Village- Patkhauli, P.S.-
Kateya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar Through Superintendent of Police, Gopalganj
2. The Officer-in-Charge, Kateya Police Station, Gopalganj
3. Upendra Rai Son of Vishwanath Rai, Resident of Village- Patkhauli,
P.S.- Kateya, District- Gopalganj.
4. The Branch Manager, State Bank of India, Kateya Branch, P.S. Kateya,
District – Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Utsav Kumar
For the Opposite Party/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Rabindra Kr. Tiwary, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

13 04-07-2018

Heard the parties.

The present application for cancellation of bail of Opposite Party No. 3 has been occasioned on account of the fact that despite specific condition as laid down under Section 438(2) of the Cr.P.C., the petitioner ventured to leave the country and go to the Foreign Country without seeking leave of the Court which had taken the bail bonds of the petitioner pursuant to the order dated 14.09.2015.

In this view of the matter, this Court had sought a report from the Court of Chief Judicial Magistrate, Gopalganj,



who has reported that the accused, Upendra Rai had not sought or taken any permission from the Court prior to leave the country.

Learned counsel for the Opposite party No. 3 submits that though the mandatory provisions do exist the petitioner had gone to another country, as he was not fully aware of the said provisions and has come back within a span of five days and, therefore, the said misuse was not intentional.

Considering the aforesaid facts and circumstances of the case, this Court is not inclined to continue the bail order passed in favour of the opposite party no. 3. The order dated 14.09.2015 thus, stands revoked.

Let the concerned Court below take appropriate steps towards cancellation of the bail bonds of the opposite party no. 3 and further action be taken in accordance with law.

(Anjana Mishra, J)

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