

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13350 of 2017

Arising Out of PS.Case No. -164 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

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Bijendra Prasad Shaw, Son of Late Sukan Saw, Resident of Village- Chhiney Gawn, Police Station- Barahara, District- Bhojpur (Bihar) and presently residing at 49,/ 5/ H/ 51, Karl Marx Sarani, P.S.- South Port, Kolkata- 700023.

.... Petitioner

Versus

1. The State of Bihar.
2. Sanjay Kumar Gupta, Son of Late Sukan Sah, Resident of Chhiney Gawn, Police Station- Barahara, Dist.- Bhojpur presently of Ramana Maidan Road (South), Police Station- Ara Nagar, Dist- Bhojpur (Ara), Bihar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Dr. Alok Kumar Sinha, Advocate.
For the State : Mr. Dr. Kumar Uday Pratap, A.P.P.
For O.P.No. 2 : Mr. Devendra Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 07-03-2018 Heard learned counsel for the petitioner, learned counsel
for the opposite party no. 2 and learned counsel for the State.

The present application has been filed by the petitioner for cancellation of anticipatory bail granted to opposite party no. 2 vide order dated 22.07.2015, passed in Cr. Misc. No. 27374 of 2015 in connection with Ara Town P.S. Case No. 164 of 2015, pending in the court of learned C.J.M., Ara,

It appears that the said anticipatory bail was granted to opposite party no. 2 in the year 2015 as to when the present application for cancellation of anticipatory bail of opposite party



no. 2, has been filed in the year 2017.

It has been submitted by learned counsel for the petitioner that the opposite party no. 2 by preferring his anticipatory bail application had wrongly submitted that he has got no criminal antecedent.

A supplementary affidavit has been filed on behalf of the opposite party no. 2 stating therein that due to inadvertent mistake he could not mention in his anticipatory bail application that one case i.e., Watganj P.S. Case No. 134 of 2003 for the offences registered under Sections 341, 324 and 114 of the IPC is pending between the agnates at Kolkatta. It has further been submitted that there was no intention on the part of opposite party no. 2 to make suppression of the fact in respect of his criminal antecedent. The said case was in respect of a family dispute between the agnates.

It is submitted by the learned counsel for the opposite party no. 2 that the petitioner herein has brought some documents on record vide Annexure-7, Anneure-8 and Annexure-9 to this application but those documents reflect allegations to be attributed against unknown persons. Only suspicion of the informant-petitioner that those unknown persons may be the henchmen of the opposite party no. 2 cannot be a ground for cancellation of anticipatory bail granted to the opposite party no. 2, especially



when there is no such police report on record, such complaint referred above.

Since there is no substantive evidence to show that any tampering of evidence or witnesses and any misuse of privilege of anticipatory bail has been made by the opposite party no. 2, I find no ground for interfering the earlier order dated 22.07.2015, passed in Cr. Misc. No. 27374 of 2015, by which anticipatory bail was granted to opposite party no. 2, in connection with Ara Town P.S. Case No. 164 of 2015, pending in the court of learned C.J.M., Ara, therefore, the present application stands dismissed.

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(Sudhir Singh, J)

