

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40665 of 2017

Arising Out of PS.Case No. -721 Year- 2014 Thana -PHULWARI District- PATNA

=====

Bharat Das Son of Late Mahadeo Das, R/o Village- Nawada, P.S.-
Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajesh Rai @ Biltu Gope, Son of Late Lallak Yadav, R/o Village-
Jamalluddinchak, P.S.- Khagaul, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner : Ms. Archana Shahi, Advocate.

For the Opposite Party : Mr. Ajay Kumar-1

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 18-01-2018 The petitioner has sought for cancellation of the bail which has been granted to opposite party no. 2 by order dated 13.02.2015 passed in ABP No. 885 of 2015 by the learned Sessions Judge, Patna in connection with Phulwarisharif P.S. Case No. 721 of 2014 which was instituted under Sections 384/34 of the Indian Penal Code.

The cancellation has been sought on the ground that when the opposite party no. 2 moved the court below for grant of anticipatory bail, he did not categorically state about his criminal antecedents and only made a vague disclosure that he has not been ever convicted in any case. On the aforesaid ground, the petitioner had preferred a cancellation application before the learned



Sessions Judge, Patna vide Criminal Miscellaneous Case No. 76 of 2015, which too was rejected on the ground that the criminal antecedents were not taken into account while granting anticipatory bail to the opposite party no. 2.

From the records, it appears that there are four cases against the opposite party no. 2 and out of the aforesaid cases, the opposite party no. 2 stands acquitted in one case. In two other cases in which the opposite party no. 2 has been made accused, the FIR was lodged against unknown and in the 4th case against opposite party no. 2, he is on bail. That apart, from the order dated 13.02.2015, it becomes very clear that the court below did not grant anticipatory bail to opposite party no. 2 on the assertion of the opposite party no. 2 that he does not have any criminal antecedent.

No good ground has been made out by the learned counsel for the petitioner to interfere with the order granting anticipatory bail to the opposite party no. 2.

The petition is, accordingly, dismissed.

(Ashutosh Kumar, J)

KKSINHA/-

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

