

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1754 of 2018

Arising Out of PS.Case No. -310 Year- 2016 Thana -KANKARBAGH District- PATNA

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Apurva Sinha Narayan, wife of Harshbardhan Narayan, resident of
Mateshwari Girija Apartment Flat No. 104, New Jaganpura, Behind Central
School, P.S.- Ramkrishna Nagar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Sanjay Kumar Gupta son of Late Rabinandan Gupta, resident of White
House East Boring Canal Road Behind Hotel Siddharth, P.S.- Krishnapuri,
District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bibhuti Narayan
For the Opposite Party/s : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 27-06-2018 Heard learned counsel for the petitioner as well as

learned counsel appearing for opposite party no. 2. Also heard

learned Additional Public Prosecutor for the State.

The petitioner has preferred this petition for
cancellation of bail granted by this court vide order dated
18.10.2016 passed in Cr. Misc. No. 44821 of 2016 on the ground
that the opposite party no. 2 after release threatened the petitioner
of dire consequences and also assaulted her for which the
petitioner lodged Patrakar Nagar P. S. Case No. 53 of 2017 and
prior to institution of the aforesaid case, she had lodged Sanha
against the opposite party no. 2.



Learned counsel appearing for the petitioner submits that petitioner lodged Kankarbagh P. S. Case No. 310 of 2016 against opposite party no. 2 and in the aforesaid case, he was arrested and sent to jail custody but this court vide order dated 18.10.2016 passed in Cr. Misc. No. 44821 of 2016 granted bail to opposite party no. 2 and when opposite party no. 2 got bail and came out of the jail, he started giving threatening to petitioner for withdrawal of the case and thereafter, petitioner lodged Sanha against opposite party no. 2 and subsequently on 28.11.2016 when she went to the office of opposite party no. 2 to make demand of her money, the opposite party no. 2 as well as his son and four unknown persons assaulted her and also snatched her belongings and ornaments for which she lodged Patrakar Nagar P. S. Case No. 53 of 2017 which was investigated by the police and after investigation police submitted charge-sheet against the opposite party no. 2 and others.

On the other hand, learned counsel appearing for opposite party no. 2 submits that the petitioner has nowhere prayed for in her petition for cancellation of regular bail granted by this court to opposite party no. 2 rather prayer has been made for cancellation of anticipatory bail granted to opposite party no. 2 and as a matter of fact, this court never granted anticipatory bail to



opposite party no. 2. Learned counsel further submitted that the opposite party no. 2 has also filed complaint case bearing Complaint Case No. 764C of 2017 against the husband of petitioner and the aforesaid fact goes to show that parties are on litigating terms and the Patrakar Nagar P. S. Case No. 53 of 2017 has been brought by the petitioner only to harass the opposite party no. 2.

Having heard the contentions of both the parties, I went through the record. I find that petitioner lodged Kankarbagh P.S. Case No. 310 of 2016 for the offences under sections 406/420 of the Indian Penal Code against opposite party no. 2 on the assertion that opposite party no. 2 took huge amount in advance for transferring his house but did not execute absolute sale deed. This court granted regular bail to opposite party no. 2 vide order dated 18.10.2016 passed in Cr. Misc. No. 44821 of 2016 taking note of this fact that the dispute of the parties was of civil nature. Furthermore, I find that the petitioner lodged Patrakar Nagar P. S. Case No. 53 Of 2017 when the opposite party no 2 released from jail custody in the light of order dated 18.10.2016 passed in Cr. Misc. No. 44821 of 2016. However, it would appear from perusal of written report of Patrakar Nagar P. S. Case No. 53 Of 2017 that it was petitioner who went to the office of opposite party no. 2 and



opposite party no. 2 never approached or contacted the petitioner for withdrawal of Kankarbagh P. S. Case No. 310 of 2016 and, therefore, even if petitioner has lodged Patrakar Nagar P. S. Case No. 53 of 2017, then also, it appears that it was petitioner, herself, who approached the opposite party no. 2 and therefore, in my view, it is not a fit case of cancellation of bail granted to opposite party no. 2. Accordingly, this petition filed in connection with Kankarbagh P.S. Case No. 310 of 2016 stands dismissed.

(Hemant Kumar Srivastava, J)

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