

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4022 of 2018

Arising Out of PS. Case No.-411 Year-2016 Thana- HILSA District- Nalanda

Niraj Sharma S/o Shree Rajendra Sharma, R/o Village- Kapsiyawan P.S.-
Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Suresh Prasad Verma S/o Late Saryu Sao, R/o Bakey Bihari Jewellers Durga
Asthan, Hilsa, P.S.- Hilsa, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Chandra Pandey
For the Opposite Party/s : Mr. Rudal Prasad

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

11 05-09-2018 The petitioner has filed this application for
cancellation of bail granted in favour of the O.P. no. 2 vide
order dated 17.10.2017 in Cr. Misc. no. 50104 of 2017 by this
Court with the case that at the time of moving anticipatory bail
in Cr. Misc. no. 52258 of 2016, the O.P. no. 2 had undertaken to
pay Rs. 23,000/- due to the petitioner to him, but he did not pay
the aforesaid amount and thus violated the order of this Court
and concealing the aforesaid aspect of the case, obtained the bail
from this Court. Hence, the bail granted to the O.P. no. 2 is
liable to be cancelled.

On the other hand, learned counsel for the O.P. no. 2
submitted that though he had agreed to pay Rs. 23,000/- to the



petitioner at the time of pressing his anticipatory bail, but his prayer for anticipatory bail was rejected by this Court vide order dated 26.07.2017 ignoring his aforesaid undertaking and hence the aforesaid undertaking given by the O.P. no. 2 is now over and it cannot be carried forward and taken into consideration. Moreover, the aforesaid aspect of the case has not been brought on record by the petitioner in the court below at the time of rejection of the bail prayer by the said court and this Court considering the merit of the case and period of custody of O.P. no. 2, has enlarged him on bail vide order dated 17.10.2017. There is no allegation against the O.P. no. 2 of tampering with the evidence. In the facts and circumstances, the aforesaid petition filed for cancellation of bail is hereby dismissed.

(Prakash Chandra Jaiswal, J)

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