

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5098 of 2019**

Arising Out of PS. Case No.-528 Year-2017 Thana- BANKA District- Banka

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Rakesh Kumar Yadav Anuplal Yadav Vill-Aliganj,P.S and Distt.-Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajiv Kumar Singh s/o Late Kishore Prasad Singh Mohalla-Bijay Nagar, ward No.22,P.S and Distt.-Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ranjan Kumar Jha
For the Opposite Party/s :	Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 15-05-2019 The present petition has been filed for cancellation of the anticipatory bail granted to the opposite party no. 2 namely Rajiv Kumar Singh by an order dated 04.01.2018 passed in Cr. Misc. no. 56528 of 2018.

The brief facts of the case are that an F.I.R. bearing Banka PS case no. 528 of 2017 was registered by the police for the offence punishable under Sections 419, 420, 406, 467, 468, 471 of Indian Penal Code. The allegation levelled by the informant i.e. the petitioner herein is regarding the opposite party no. 2 having given a cheque of Rs. 16 lacs to the petitioner/ informant which had bounced subsequently on account of insufficient fund in the account of the opposite party no. 2.

The learned counsel for the petitioner herein has urged



only one issue for consideration for the purposes of cancellation of the anticipatory bail granted to the opposite party no. 2 herein to the effect that the opposite party no. 2, after grant of anticipatory bail, has flatly refused to pay the due amount of Rs. 16 lacs.

I have heard the learned counsel for the parties and I find that neither the petitioner herein has alleged any foul play on the part of the opposite party no. 2 while filing the anticipatory bail petition, inasmuch as no wrong statement is said to have been made by the opposite party no. 2 in the said petition nor the petitioner herein has alleged any violation of the conditions imposed upon the opposite party no. 2 vide order dated 04.01.2018 passed by this Court while granting bail to the petitioner herein.

Having regard to the aforesaid facts and circumstances of the case, the ground urged by the petitioner on the merits of the case, does not warrant cancellation of the anticipatory bail granted to the opposite party no. 2 by this Court vide order dated 04.01.2018 and the same is required to be considered at the time of trial, hence there is no merit in the present petition, accordingly the same is dismissed.

(Mohit Kumar Shah, J)

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