

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10948 of 2019**

Arising Out of PS. Case No.-300 Year-2015 Thana- KUSHESHWARASTHAN District-
Darbhanga

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UPENDRA SADA Son of Late Tilo Sada Resident of Village-Sultanpur, P.O.
Beri, P.S.-Kusheshwar Asthan Dist-Darbhang

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Santosh Kumar Yadav Son of Shyam Yadav Resident of Sultanpur, P.O.-
Beri, P.S.- Kusheshwar Asthan, Dist.- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha
For the Opposite Party/s : Mr.Manoj Kumar

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

2 26-02-2019 This application has been filed for cancellation of

bail granted to the Opposite Party No.2, vide order dated

26.09.2018 passed in A.B.P.No.153 of 2018 by Addl. Sessions

Judge IInd, Benipur, Darbhagna..

Grounds for cancellation of the bail is that the

Opposite Party No.2 was accused in four other cases but in spite

of that he has been granted privilege of anticipatory bail and

after grant of anticipatory bail, he has been made accused in

two other cases.

Heard learned APP.

From perusal of the impugned order it appears that

there is production cum seizure list, on the basis of which



O.P.no.2 was made accused in that case and considering the same and also in spite of having knowledge that O.P.no.2 is an accused in four other cases, the learned Additional Session Judge IInd, Benipur, Darbhanga has granted bail. However, further submission is that O.P.no.2 after grant of bail has been made accused in two other cases of similar types.

From perusal of the impugned order, it appears that impugned order, granting anticipatory bail has been passed on merit, there is no allegation of suppression of fact.

Considering the aforesaid facts and circumstances of the case, I am not inclined with the order granting anticipatory bail to O.P.no.2, however, the petitioner is at liberty to move before the learned court below itself with prayer for cancellation of bail on the ground of lodging of the cases of similar nature against O.P.no.2 subsequent to the grant of bail to him, which will be considered by learned court.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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