

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22780 of 2019

Arising Out of PS. Case No.-4 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Madhusudan Sao @ Masudan Saw, Son of Late Radhey Saw, Resident of
Village- Madan Gachhi, Ward no. 5, Mokama, P.S.- Mokama, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Qaiser Alam, son of not known, resident of village- Posted as S.H.O,
P.S.-Mokama, P.s.- Mokama, distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Anil Kumar APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-04-2019 This application has been filed for cancellation of bail granted to O.P.No. 2 vide order dated 18.01.2019 by the Additional District and Sessions Judge-III, Barh in A.B.P.No. 4891 of 2018 in connection with Complaint Case No. 4(C) of 2018 registered under Sections 166, 166A, 167, 323, 341, 420 and 120B of the Indian Penal Code.

The case is based on a complaint filed by the petitioner-complaint that he and accused Santosh Kumar Sao are resident of same Mohalla and in connection with marriage of his sister, accused Santosh Kumar Sao has demanded Rs. 10 lacs on condition that he will return the same within three months. Further case is that complainant gave in total Rs. 7,50,000/- by



different cheques to Santosh Kumar Sao and when he did not marry his sister, complainant demanded money back. Then he along with co-accused O.P.No. 2, who was Officer-in-Charge of Mokama Police Station, came to his house and O.P. No. 2, threatening the complainant, got his signature on a plain paper and also threatened him of dire consequences if he will demand money.

Ground for cancellation of bail of O.P.No. 2 is that there is direct allegation against him of obtaining signature of the complainant on plain paper and threatening him to compromise the case even then learned Court has granted bail to O.P.No. 2 on the ground that it's a case of money transaction and case is of civil nature and O.P.No. 2, being the Officer-in-charge, has tried to compromise the case, which is against the materials available on record as such he prays to cancel the bail bond of the O.P.No. 2.

On being perusal of the impugned order, it appears that Additional District and Sessions Judge-III, Barh has considered the materials available on record and considering the fact that money suit is going on between the parties as the case is related to money transaction which is of civil nature and that being Officer-in-charge, O.P.No. 2 has tried to compromise the case,



has granted bail to O.P.No. 2. As such I do not find any irregularity in the order rather on consideration of the fact, bail has been granted. Accordingly, the application for cancellation of bail of O.P.No. 2 is dismissed.

(Vinod Kumar Sinha, J)

sujit/-

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