

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32943 of 2019

Arising Out of PS. Case No.-29777 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Ramjee Tiwari S/o Late Gauri Shankar Tiwari R/o Village- Murar, P.O.-
Murar, P.S.- Murar, District- Buxar (Bihar). At present H/o- Mahendra Prasad
Singh Yarpur, Yogia Tola, P.S.- Gardanibagh, District- Patna, Bihar- 800001

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajeev Kumar S/o Basudeo Rai R/o Mohalla- New Jakkanpur (B.K. Dutta
Lane), P.S.- Jakkanpur, P.O.- Jakkanpur District- Patna (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-08-2019 Heard both sides.

The complainant-petitioner has filed this petition for
cancellation of bail granted to opposite party no.2, Rajeev
Kumar.

Learned counsel for the petitioner submits that by
order dated 27.02.2018 passed in Cr.Misc.No.11436 of 2018,
opposite party no.2 was granted anticipatory bail on his
undertaking to return the remaining amount but even after lapse
of more than a year, opposite party no.2 did not return the
remaining amount lying with him and, therefore, the bail
granted to opposite party no.2 is liable to be cancelled, but I find
no substance in the submission of learned counsel for the



complainant-petitioner. From perusal of order dated 27.02.2018, it appears that opposite party no.2 was granted anticipatory bail on consideration of allegations made against opposite party no.2 and on consideration of the facts that the complainant-petitioner filed one complaint case being Complaint Case No.28589 of 2014 on same and similar allegation in which opposite party no.2 was already granted anticipatory bail. Thereafter, the complainant again filed Complaint Case No.29777(C) of 2014 on same and similar allegation for dishonour of cheques and non-performance of part agreement by opposite party no.2. On such consideration, opposite party no.2 was granted anticipatory bail. There was no condition stipulated in the order while granting anticipatory bail to opposite party no.2. Therefore, I find that there is no material on record to show that opposite party no.2 has either misused the privilege of bail or committed any offence.

Accordingly, this petition is dismissed being devoid of merit.

(Prabhat Kumar Jha, J)

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