

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29734 of 2016

Arising Out of PS. Case No.-578 Year-2011 Thana- SAHARSA District- Saharsa

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Lalan Prasad @ Laliteshwar Prasad Yadav Son of late Bhagwat Prasad@Bhagwat Mandal Resident of Village- Shahpur, District Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sudish Yadav@Sudish Kumar Yadav Son of late Amrendra Yadav Resident of Village- Shahpur, P.S. Saharsa, District Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr.Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2019 Supplementary affidavit has been filed by the petitioner. Let it be kept on record.

The present application has been filed for cancellation of anticipatory bail, granted to opposite party no. 2 passed in Cr. Misc. No. 38992 of 2013.

Opposite party no. 2 preferred Cr. Misc. No. 38992 of 2013 with a prayer for anticipatory bail in connection with Saharsa Sadar P.S. Case No. 578 of 2011 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 504 and 506/34 of the Indian Penal Code, pending in the Court of learned Chief Judicial Magistrate, Saharsa.

It is alleged that opposite party no. 2 took KCC loan



against the land of the informant in 2008.

On the submission that opposite party no. 2 is nonelse than the nephew of the petitioner and for taking loan in 2008, the FIR was lodged on 2011, moreover, Title Suit No. 145 of 2012 was pending between the parties, opposite party no. 2 was granted anticipatory bail vide order dated 23.12.2013.

The present cancellation application has been filed on the ground that the opposite party no. 2 was accused in Complaint Case No. 811© of 1996 wherein he was convicted in 1998 for the charge under Section 323 of the Indian Penal Code which was affirmed by learned Additional Sessions Judge, F.T.C. No. 3, Saharsa and against which the opposite party no. 2 has filed Criminal Revision No. 626 of 2007 before the High Court, which is still pending.

Considering the nature of charge for which the opposite party no. 2 was convicted in 1998 and the fact that the opposite party no. 2 has enjoyed the privilege of bail for about six years, moreover, there is nothing on record of misusing the privilege of bail, this Court is not inclined to interfere.

Accordingly, this application is dismissed.

(Dinesh Kumar Singh, J)

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