

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21505 of 2018

Arising Out of PS. Case No.-1430 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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Vikash Kumar Mandilwar, M/S V.C. Enterprise, Postal Park, Road No. 1,
Kankarbagh, P.S.- Jakanpur, District- Patna- 14.

... .. Petitioner/s

Versus

1. The State of Bihar
2. P. Surya Narayan Raju, s/o P. Rama Raju
3. P.N.V. Raju s/o P. Venkat Raju both, resident of plot no. 574, HMT Hills,
Opp. K PHB Colony, Kukatpally, Hyderabad - 500072.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

10 03-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed for cancellation of bail granted to the opposite party nos. 2 and 3 by this Court vide order dated 04.07.2017 passed in Cr. Misc. No. 25257 of 2016 (Annexure-1) in connection with Complaint Case No. 1430 (C) of 2012 for the offence under Sections 323, 406, 420, 384, 379, 504/34 of the Indian Penal Code.

It appears that Cr. Misc. No. 25257 of 2016 in which the opposite parties were allowed bail was referred to the Mediation & Conciliation Centre, Patna High Court. In the mediation, the opposite parties had accepted to pay Rs. 13 lacs



to the petitioner. Out of which Rs. 2 lacs were paid to the present petitioner vide Demand Draft No. 703425 (Canara Bank) dated 30.01.2017 in the Court and it was undertaken by the opposite parties to pay the remaining amount of Rs. 11 lacs in five equal installments till 30th June, 2017.

Learned counsel for the petitioner submits that the opposite parties have not paid the remaining amount of Rs. 11 lacs till date and by misleading and concealing the material facts have obtained bail from this Hon'ble Court vide Annexure-1. It is further submitted that the opposite parties have failed to keep the undertaking given before this Hon'ble Court.

Learned Additional P.P. appearing for the State submits that the opposite parties have obtained bail by misleading this Hon'ble Court.

This Court vide order dated 08.08.2018 had issued notice to the opposite party nos. 2 and 3 through both ordinary as well as registered cover, which has returned un-served with report of postal peon "Left" although the address on which the notice was sent is same as mentioned in the quashing application (Cr. Misc. No. 13353 of 2018) filed by the present opposite parties on 06.02.2018 for quashing of the order taking cognizance passed in Complaint Case No. 1430(C) of 2012,



which shows that they are avoiding from appearing in the present proceeding.

Considering the facts and circumstances of the case, the submissions advanced on behalf of the parties and the fact that the opposite parties failed to keep their undertaking and obtained bail by misleading this Court, the prayer for cancellation of bail granted to the opposite party nos. 2 and 3 by this Court vide order dated 04.07.2017 passed in Cr. Misc. No. 25257 of 2016 (Annexure-1) is allowed.

This application accordingly stands allowed.

(Arvind Srivastava, J)

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