

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20765 of 2018

Arising Out of PS. Case No.-282 Year-2015 Thana- BAHERA District- Darbhanga

=====

Ram Kripal Yadav S/o Late Jagdeesh Yadav, R/o Itharwa Tola Baluahi, P.S.-
Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anil Yadav S/o Late Ram Udar Yadav,
3. Ramadhar Yadav S/o Late Jamun Yadav,
4. Jagat Yadav S/o Jamun Yadav,
5. Kamal Narain Yadav S/o Late Ram Sharan Yadav, All R/o Itharwa Tola
Baluahi, P.S.- Bahera, District- Darbhanga.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shama Sinha
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 24-07-2019 Heard learned counsel for the petitioner and learned
counsel for O.P. Nos. 2 to 5.

The present application has been filed for cancellation
of bail granted to O.P. Nos. 2, 3, 4 and 5 vide order dated
10.11.2015 passed in Cr. Misc. Nos. 43275 of 2015 and 49290
of 2015 in connection with Bahera P.S. Case No. 282 of 2015.

Learned counsel for the petitioner submits that O.P.
Nos. 2, 3, 4 and 5 were granted bail on the ground that they
have got no criminal antecedent as the said fact was stated in
paragraph 3 of the Cr. Misc. Nos. 43275 of 2015 and 49290 of
2015.



A counter affidavit has been filed on behalf the opposite parties in which following statement has been made in paragraph 5 thereof:

“5. That the statements made in contrary in paragraphs 4 to 8 are incorrect and are denied. It is stated that the Opposite party Nos. 2 to 5 have been alleged to be accused in 3 criminal cases i.e. Bahera P.S. Case No. 362/2014, 319/2014 and 164/2003. The Petitioner has stated that the Opposite party No. 2 Anil Yadav and Opposite Party No. 5 Kamal Narain Yadav were accused in Bahera P.S. Case No. 362/2014. Both the Opposite Party Nos. 2 and 5 were acquitted in the said Bahera P.S. Case No. 362/2014 by judgment dated 16.01.2016 and after their acquittal they furnished bail bond on 18.01.2016 and then they were released on bail. The Opposite Party No. 3 Ram Adhar Yadav was accused in Bahera P.S. Case No. 319/2008 and 169/2003 in which he was acquitted in both the cases i.e. Bahera P.S. Case No. 319/2008 and 169/2003 by the judgment dated 19.03.2013 and 29.09.2014 respectively. The Opposite Party No. 4 Jagat Yadav was accused in Bahera P.S. Case No. 169/2003 in which he was acquitted by judgment dated 29.09.2014. It is stated that except accused Anil Yadav O.P. No. 2 and the Opposite Party No.5, no criminal case was pending against other petitioners of Cr. Misc. Nos. 43275/2015 and 49290/2015 and have no criminal antecedent who furnished bail bond on 14.12.2015 and the same was accepted and they were released on bail. The Learned Judicial Magistrate, while accepting the bail bonds have recorded in its order dated 14.12.2015 and no criminal case is pending against opposite party nos. 3 and 4 and they have been acquitted in Bahera P.S. Case No. 319/2008 and 169/2003. The judgment of acquittal in Bahera P.S.



Case No. 319/2008 is not available for the present and if so required would be filed at the time of hearing of this case. The Opposite Party Nos. 1 and 5 had furnished bail bond on 18.01.2016 after their acquittal on 16.01.2018 in Bahera P.S. Case No. 362/2014. Thus no criminal case was pending against opposite party Nos. 2 and 5 on the date they furnished their bail bond.”

This Court finds substance in the statement made on behalf of the opposite parties and as such, the statement made in paragraph 5 of the counter affidavit is accepted. Consequently, this Court finds no reason to interfere with the order 10.11.2015 passed in Cr. Misc. Nos. 43275 of 2015 and 49290 of 2015 in connection with Bahera P.S. Case No. 282 of 2015.

The application is dismissed.

(Sudhir Singh, J)

Pankaj/-

U			
---	--	--	--

