

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.43883 of 2019

Arising Out of PS. Case No.-99 Year-2002 Thana- KONCH District- Gaya

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GIRJA SINGH, aged about 72 years, Male, Son of Late Dhani Singh,
Resident of Village - Pali, P.S.- Konch, Dist.- Gaya ... Petitioner
Versus

1. The State of Bihar
 2. Raja Singh @ Krishan Kant Kumar, aged about 33 years, Male, Son of
Arbind Sharma, Resident of Village - Adai Tola, P.O. - Adai, P.S.- Konch,
Dist.- Gaya ... Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Subhash Kumar Jha, Adv.
For the Opposite Parties : Mr. Shyameshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 18-09-2019 Heard the learned counsel for the petitioner.

This is an application under Section 439(2) of the Criminal Procedure Code for cancellation of the bail bond of opposite party no. 2 furnished in the light of the order, dated 13.12.2017, passed in Cr. Misc. No. 39834 of 2017, whereunder the petitioner was allowed privilege of pre-arrest bail by this Court with a direction be to be released in the event of surrender/arrest before the Court below within a period of six weeks, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, V, Gaya, in connection with Konch P.S. Case No. 99 of 2002 subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

The submission of the learned counsel for the petitioner is that in fact A.B.P. No. 909 of 2008 filed by opposite party no. 2, in the present case, in the Court of the learned Sessions Judge, Gaya,



which was rejected on 22.09.2008, but, after passing over nine years, opposite party no. 2 filed Cr. Misc. No. 39834 of 2017 before this Court in which he was allowed the privilege of pre-arrest bail by the order, dated 13.12.2017. Further, submission is that opposite party no. 2, Krishna Kant Kumar, has sworn affidavit before the Subdivisional Magistrate, Tekari, Gaya, to the effect that his name is Krishna Kant Kumar detailing his pedigree in the year 2009, but, in the Cr. Misc. No. 39834 of 2017, whereby the opposite party no. 2 was allowed privilege of pre-arrest bail, he disclosed his name as Raja Singh, but, at the same time the learned counsel for the petitioner admitted that the name of opposite party no. 2 in the first information report shown as Raja Singh, son of Arbind Singh. No submission is made on behalf of the petitioner about misuse of privilege of pre-arrest bail.

I do not find any merit in this case, accordingly, this application is **dismissed**.

(Rajendra Kumar Mishra, J)

Shamshad/-

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