

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63446 of 2018

Arising Out of PS. Case No.-379 Year-2017 Thana- SHASTRINAGAR District- Patna

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Ajay Kumar Son of Kameshwar Prasad Sharma @ Kameshwar Sharma,
Resident of Mohalla Byas Nagar Colony, A-7 Ashiyana Nagar Road, Ram
Nagri More, P.S. Shastri Nagar, Town of Patna District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Md. Saddam, Son of Sirajuddin @ Md. Sirajuddin resident of Mohalla-
Samanpura Raja Bazar, P.S. Shastri Nagger Town of Patna, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sachchidanand Choudhary
For the Opposite Party/s : Mr.Sri Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 22-01-2019 This application has been filed for cancellation of bail

of O.P.No.2 granted by this Court vide order dated 27.2.2018

passed in Cr. Misc. No.10914 of 2018 with direction that the

petitioner shall co-operate in the investigation of the case and

will not induce any witness or tamper with the evidence.

Submission of the learned counsel for the petitioner is

that after release in this case, the O.P.no.2 again kept the girl for

ten days and not allowing her to come and thereafter the police

recovered her from the house of the O.P.no.2 and for that he has

lodged Shastri Nagar P.S.Case No.342 of 2018 and the

statement of the girl has also been recorded. The aforesaid fact

will appear from the Annexure 4 and 5 and the aforesaid fact



has also been found by the ACJM- IV in his order dated 24.7.2018 while considering the prayer of the petitioner for cancellation of the bail bond of the O.P.No.2.

Heard learned APP as well as the learned counsel for the O.P.No.2. It is submitted that the allegation is false and concocted and as a matter of fact the girl has herself went there to reside with the O.P.No.2 and a false and concocted case has been lodged and the allegation of tampering with the evidence is false and concocted.

Having heard both dies and from perusal of the FIR lodged against the O.P.no.2 which will appear from Annexure 4 and the statement of the girl in connection with Shastri Nagar P.S.Case No.342 of 2018, it appears that the daughter of the petitioner was kept by the O.P.no.2 and the police has recovered her from his house.

Considering the aforesaid facts and circumstances of the case, it appears to be a clear case of the misuse of the bail and trying to tamper with the evidence.

In such view of the matter, bail bond of the O.P.no2., vide order dated 27.2.2018 passed in Cr. Misc. No.10914 of 2014, is cancelled and he is directed to surrender before the learned court concerned within a period of four weeks from the



date of receipt of the order where the case is pending.

Accordingly, this application is allowed.

(Vinod Kumar Sinha, J)

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