

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54421 of 2019

Arising Out of PS. Case No.-173 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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ARTI RATHI W/o Arun Kumar Rathi Resident of Gurhatta Hamam Road,
P.S.- Khajekalan, Town and District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anil Kumar Bajaj Son of Late Purushottam Bajaj Resident of 302 Venkatesh
Apartment, Buddh Marg, P.S.- Kotwali, Town and District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amitabh Sohan

For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-09-2019 Heard both sides.

The petitioner has filed this petition for cancellation
of anticipatory bail granted to the opposite party No.2.

The learned counsel for the petitioner submits that
O.P. No.2 was granted anticipatory bail vide order dated
20.07.2018 passed in Cr. Misc. No. 42422 of 2018 but the O.P.
No.2 is not cooperating in the trial. The O.P. No.2 has filed
petition under Section 205 of the Code of Criminal Procedure
for exemption from his personal appearance. It is submitted that
on this ground alone the anticipatory bail granted to the O.P.
No.2 is liable to be cancelled but I do not find any substance in
the submission of the learned counsel for the petitioner as the



O.P. No.2 was granted anticipatory bail on merit and he has got right to file petition under Section 205 of the Cr. P. C. for exemption from his personal appearance during the course of trial and on that ground the anticipatory bail granted to the O.P. No.2 can not be cancelled.

Having considered the facts aforesaid, I do not find any merit in this petition for cancellation of anticipatory bail and the same is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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