

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1288 of 2019

Arising Out of PS. Case No.-82 Year-2016 Thana- AIRPORT District- Patna

Sahdeo Singh Late Dwarika Singh Resident of Village-B.M.P Road, Khajpura, B.V Collage, Patna District-Patna at presently resident, Director, Braj Mohan Developers Pvt. Ltd. Salempur Dumra P.S.-Hawai Adda, District-Patna-14

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ashok Kumar Late Chandradev Poddar Resident of Village-Adampur, P.S.-Danapur, District-Patna at present resident of CMD Loard Ashoka Home Graphic Infra Com. Pvt. Ltd, Shanti Market, Jagdeo Path, P.S.-Hawai Adda, District-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bidhanesh Misra
For the Opposite Party/s : Mr.Sri Nityanand Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-05-2019 Heard Mr. Bidhansesh Mishra, the learned counsel for the petitioner, and the learned APP.

The petitioner has filed this petition for cancellation of bail granted to O.P. No.2, Ashok Kumar, vide order dated 25.07.2018 passed in Cr. Misc. No. 39561 of 2018.

The learned counsel for the petitioner submits that O.P. No.2 was granted bail vide order dated 06.12.2016 passed in Cr. Misc. No. 39944 of 2016 on his undertaking that he was ready to return Rs. 6,50,000/- within one month from the date of his release. If he fails to return Rs. 6,50,000/- within one month from the date of his release the learned court below shall cancel



the bail bonds of the O.P. No.2 immediately thereafter. It is submitted that O.P. No.2 failed to return Rs. 6,50,000/- as undertaken by him. Consequently, his bail bond was cancelled and he was taken into custody. By the order dated 25.07.2018 O.P. No.2 was granted bail but his bail bonds are liable to be cancelled as O.P. No.2 has not yet fulfilled his undertaking by returning Rs. 6,50,000/- to the petitioner.

Having considered the submission of learned counsel for the petitioner and on perusal of the order dated 25.07.2018 it is evident that O.P. No.2 was granted bail even though his bail bond was cancelled due to non-fulfillment of undertaking by repaying Rs. 6,50,000/- to the petitioner because he had remained in jail for seven months for breach of undertaking.

Thus, I do not find any reason to cancel the bail bond of O.P. No.2 as there is no concealment of facts. This application is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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