

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54309 of 2018**

Arising Out of PS. Case No.-128 Year-2017 Thana- CHHATAUNI District- East Champaran

Rakesh Kumar son of Rajeshwar Prasad Singh resident of Ward No. 17  
Mathiya Dih, P.S. Chatauni, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Krishna Chandra Patel son of Late Deo Nandan Patel
3. Munna Kumar Patel @ Muna Kumar Patel Son of Krishna Chandra Patel both  
are resident of Village - Chauriya, P.S. - Mehasi, District - East Champaran.

... .. Respondent/s

**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr.Vijay Shankar Shrivastava |
| For the Respondent/s | : | Mr.Sri Satyendra Prasad      |

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL ORDER**

5      09-01-2019                      Heard learned counsels for the parties.

This application is for cancellation of bail granted to the opposite party nos. 2 & 3 vide order dated 17.11.2017 passed in Cr. Misc. No. 37938 of 2017 in connection with Chhatauni P.S. Case No. 128 of 2017 pending before the Court of Chief Judicial Magistrate, East Champaran at Motihari.

Learned counsel appearing for the petitioner submits that by the indulgence of this Court through mediation the dispute between the parties was settled on the promise to pay Rs. 7,00,000/- to the petitioner by the opposite party nos. 2 & 3 within a period of six months. Petitioner was paid Rs. 1,00,000/. Vide order dated 17.11.2017 passed in Cr. Misc. No. 37938 of



2017 this Court allowed anticipatory bail to the opposite parties nos. 2 & 3 on the undertaking to pay the remaining amount in six installments, but after getting bail from this Hon'ble Court the opposite parties have not paid anything to the petitioner.

Learned Addl. P.P. appearing for the State submitted the opposite parties have failed to keep their undertaking, and as such, bail granted to them deserves to be cancelled.

Considering the facts and circumstances of the case, the submissions advanced on behalf of the parties and the fact that the opposite parties have failed to keep their undertaking given before this Court, the bail granted to the opposite party nos. 2 & 3 by order dated 17.11.2017 passed in Cr. Misc. No. 37938 of 2017 is, hereby, cancelled.

This application accordingly stands allowed.

**(Arvind Srivastava, J)**

mcv/-

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