

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80532 of 2018

Arising Out of PS. Case No.-208 Year-2012 Thana- RAJPUR District- Buxar

Shiv Prakash Rai, son of Late Nageshwar Rai Mohalla-Gali No.2, Dhobi
Ghat, Charitravan, Buxar, P.S-Buxar, Dist.-Buxar(Bihar)

... Petitioner

Versus

1. State Of Bihar and Anr Bihar

2. Ramashish Rai Girja Rai Vill-Sarenja, P.S-Rajpur, Distt.-Buxar

... Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Anil Kr. Roy
For the State	:	Mr. A.M.P. Mehta, APP
For OP No. 2	:	Mr. A.K. Mishra, Advts.

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

ORAL ORDER

6 19-02-2020 Heard the learned counsel for the parties.

This criminal miscellaneous application has been filed to cancel the bail bond of opposite party no. 2, Ramashish Rai, furnished in the trial Court in the light of the order, dated 18.03.2016, passed in Cr. Misc. No. 2903 of 2016, whereby and whereunder opposite party no. 2 was allowed the privilege of bail.

The learned counsel for the petitioner submits that in Cr. Misc. No. 2903 of 2016, which was filed by opposite party no. 2 for his regular bail, in paragraph 3 it was detailed that opposite party no. 2 has no criminal antecedent while he was accused in two cases, as detailed in paragraph 7. The order, dated 18.03.2016, passed in Cr. Misc. No. 2903 of 2016, shows



that petitioner was allowed the privilege of bail taking into consideration the period of custody and also the fact that he has no criminal antecedent.

Learned counsel appearing on behalf of the opposite party no. 2 submits that in fact in Cr. Misc. No. 2903 of 2016 affidavit was sworn by brother-in-law of opposite party no. 1, who was not aware about the two cases and petitioner seeks unconditional apology about non-mentioning of the cases. The petitioner has no locus standi to pray for the cancellation of the bail.

Having considered the facts, aforesaid, and circumstances of the case, this application is **dismissed**.

(Rajendra Kumar Mishra, J)

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