

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8573 of 2018

Arising Out of PS. Case No.-65 Year-1999 Thana- UCHKAGAON District- Gopalganj

Bijali Baitha S/o Shivpujan Baitha Resident of Vill- Sathi, P.S. Uchkagaon,
Distt. Gopalganj.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Maksudan Singh S/o Bishwanath Singh Resident of Vill- Sathi, P.S. Uchkagaon, Distt. Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Upadhyay
For the Opposite Party/s : Mr.Sri Nityanand Tiwary

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 18-02-2020 Heard the parties.

This application has been filed for cancellation of bail granted to the O.P.no.2 vide order dated 29.11.2017 passed by the 1st Addl. Sessions Judge, Gopalganj in Uchkagaon P.S.case No.65 of 1999 for the offence under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(X) SC/ST Act.

Submission of the learned counsel for the petitioner is that vide order dated 20.8.2016 passed in Cr. Misc. No.16848 of 2016 (Annexure-4) by a Co-ordinate Bench of this Court, the petitioner was directed to surrender within a period of two weeks and pray for regular bail, their applications should be considered and decided, preferably on the same day, however, the petitioner has appeared after more than one year, filed this



application and he has been granted bail in this case.

Heard learned APP and perused the impugned order from which it appears that the O.P.no.2 was not sent up for trial and thereafter during the trial the prosecution moved for summoning O.P.no.2 which was dismissed by the trial court and thereafter as per order dated 2.3.2015 passed in Cr. Misc. No.8860 of 2011 the petitioner was directed to face the trial and thereafter the petitioner has come for anticipatory bail, which has been disposed of as stated above in Cr. Misc. No.16848 of 2016. No doubt the petitioner has not appeared within a period of two weeks and later on he has appeared but the learned trial court after considering the materials on record has granted bail to the petitioner. There is no allegation of misuse of the privilege of the bail or tampering with the evidence or his absconding.

Considering the above, I find no merit in this application. Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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