

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80373 of 2019

Arising Out of PS. Case No.-105 Year-2016 Thana- ISHAKCHAK District- Bhagalpur

RAJESH MISHRA Son of Late Pramod Ranjan Mishra Resident of Mohalla-
Budhanath Lane, P.S.- Adampur, District- Bhagalpur. Petitioner/s

Versus

1. The State of Bihar
2. Vipul Kumar Son of Prem Prakash Director , C-2-C Consultancy, D- Block Lane-1, Aman Vihar Sahastradhara Road, Dehradun, P.S.- Roypur , Uttara Khand, Pin-248001, Present Office at Shop No. 25, Friends Plaza, Dildaram Chowk, Rajpur Rd. ,P.S.- Roypur , Dehradun, Uttrakhand, Pin-248001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-02-2020 This application has been filed for cancellation of bail granted to the opposite party no. 2 in view of the observations made in the order dated 09.05.2019 passed in Cr. Misc. No. 13681 of 2019. It appears that vide order dated 09.05.2019, following observations and directions made above -

“Having heard both sides, in view of the facts and circumstances, let the petitioner surrender before the court below who will verify as to whether the process under Section 82 of Cr.P.C. has been exhausted and if it is not exhausted, then the petitioner be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Chief Judicial magistrate, Bhagalpur, in connection with Ishaqchak (Tilkamanjhi) P.S. Case No. 105 of 2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.”

In view of that learned court below vide order dated 08.07.2019 called for a report from the Officer Incharge about



the compliance of the process under Section 82 of Cr.P.c. issued against opposite party no. 2 and after being satisfied that the compliance report has not been submitted he is allowed bail to the opposite party no. 2.

The ground for cancellation of bail on behalf of the petitioner is that earlier a report was submitted by the I.O. in this Court which shows that the compliance has been made. Now a different report has been submitted showing no compliance report has been submitted but, the learned C.J.M. without appreciating the above fact allowed bail to the opposite party no. 2.

Heard A.P.P. and perused the order which has been discussed above that clearly shows that in view of report of I.O., that the compliance report has not been made available, the learned C.J.M. has accepted the bail bond of the opposite party no. 2.

Considering the above, I am not inclined to interfere with the order confirming bail bonds to the opposite party no. 2.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

Rahul/ved

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