

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80419 of 2019

Arising Out of PS. Case No.-4378 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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SHYAM NATH S/o- Late Kedar Rai @ Kedar Nath Rai R/V- Ram Krishna
Nagar, P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deo Munni Devi W/o- Sri Ram Sagar Singh Resident of Mohalla- Earlier
Ashok Nagar, Road No. - 14 (A), P.S.- Kankarbagh, District- Patna, at
present resident of Village- Shidhi Vinayak Nagar, Road No. 3, Patna
Central School, P.S.- Ram Krishna Nagar, District- Patna.
3. Ram Sagar Singh Son of Late Bhagwan Singh Resident of Mohalla- Earlier
Ashok Nagar, Road No. - 14 (A), P.S.- Kankarbagh, District- Patna, at
present resident of Village- Shidhi Vinayak Nagar, Road No. 3, Patna
Central School, P.S.- Ram Krishna Nagar, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-02-2020 This application has been filed for cancellation of bail

granted to opposite party nos. 2 and 3 vide order dated 15.02.2019

passed by learned Additional Sessions Judge -XV, Patna in

Complaint Case No. 4378(C) /2017 registered for the offences

punishable under Sections 323, 341, 406 and 506 of the Indian Penal

Code.

Submission of learned counsel for the petitioner is that the

learned Sessions Judge has wrongly granted bail to opposite party

nos. 2 and 3 on the ground that there is no agreement paper available

on record. Thereafter, the petitioner produced the agreement paper



and filed the cancellation bail petition, which was dismissed vide order dated 13.08.2019 passed in Cr. Misc. (Bail Cancellation) Case No. 42 of 2019. Aggrieved by the same, the petitioner has filed the present application.

Learned counsel for the State opposed this application on the ground that learned court below granted anticipatory bail to opposite party no. 2 and 3, as in the L.C.R., there was no document to show that the complainant had given any amount to opposite party no. 2 and 3 and moreover, this is a case in the nature of civil dispute.

Heard both sides and perused the order dated 15.02.2019, from which, it appears that learned Sessions Judge has granted bail to opposite party nos. 2 and 3 on the ground that there is no document on record that the complainant had made payment to opposite party no. 2 and 3 and there is no receiving with respect to the same and this court does not find any illegality or impropriety in the order passed by the learned Sessions Judge.

In view of the discussions made above, I do not find any merit in the present application, the same is accordingly dismissed.

(Vinod Kumar Sinha, J)

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