

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43887 of 2021**

Arising Out of PS. Case No.-242 Year-2020 Thana- BARH District- Patna

SUMAN KUMAR Son of Late Nawal Sao @ Nawal Kishore Gupta Resident of Village/ P.O.- Agwanpur, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MOHIT KUMAR @ ADITYA KUMAR Son of Raghubansh Singh @ Raghubansh Kumar Resident of Village/P.O.- Agwanpur, P.S.- Barh, District- Patna.
3. MANISH KUMAR Son of Pramhans Singh Resident of Village- Bichali Malahi, P.S. and P.O.- Barh, District- Patna.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sidhendra Narayan Singh  
For the Opposite Party/s : Mr.Rajendra Prasad Nat

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      01-12-2021              Heard learned counsel for the petitioner, the State and the Opposite parties.

Petitioner has filed this application u/s 439(2) of the Code of Criminal Procedure seeking cancellation of bail granted to opposite party no.2 and 3 by order dated 16.03.2021, passed in Cr. Misc. No. 1795/2021.

Learned counsel for the petitioner submits that the opposite party nos. 2 and 3 suppressed the material fact about their criminal antecedent, which is duly noticed in the order granting bail to them.

Learned counsel for the O.P. No. 2 and 3 has filed a



detailed counter affidavit and it is submitted that in the bail petition in paragraph 3 it was mentioned that petitioners have criminal antecedent but due to typographical error in the impugned order it had been mentioned that petitioners have no criminal antecedent.

It appears that this court while allowing bail to O.P. No.2 and 3 had only considered merits of accusation alleged against them and had not considered their criminal antecedent.

In view of the aforesaid facts, I do not find that the petitioner has made out a good ground for cancellation of bail of opposite party nos.2 and 3.

Instant application is dismissed accordingly.

**(Prabhat Kumar Singh, J)**

BKS/-

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