

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8885 of 2021

Arising Out of PS. Case No.-400 Year-2018 Thana- MALSALAMI District- Patna

RAM SWARATH ROY, Son of Late Munshi Ray Resident of Village/Mohalla - Didarganj Check Post, P.O. - Katra Bazar Samiti, Police Station - Malsalami, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar @ Sanjay Yadav, Son of Ramjatan Rai Resident of Village/Mohalla - Rustampur, P.S. - Raghampur, District - Vaishali. Presently residing at Mohalla Tilak Nagar, Alampur Kachi Dargah, P.S. - Didarganj, District - Patna.
3. Pradeep Kumar, Son of Late Chhotelal Sah Resident of Village /Mohalla - Kannulal Road, Mithapur, Police Station - Jakkanpur, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jainendra Kumar Pushkar
For the Opposite Party/s :		Mr. Ravi Bhardwaj
		Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 25-08-2021 Heard Mr. Kali Prasanna Dubey, learned advocate for the petitioner and Ms. Soni Srivastava, learned counsel for the Opposite Party Nos. 2 and 3.

This application has been filed for cancellation of bail of Opposite Party Nos. 2 and 3, dated 29.03.2019 passed in Cr. Misc. No. 17842 of 2019 in connection with Malsalami P. S. Case No. 400 of 2018.

The order reflects that anticipatory bail was



granted to Opposite Party Nos. 2 and 3 on account of previous litigation between the parties and general and omnibus allegation against many accused persons including the Opposite Party Nos. 2 and 3.

The learned advocate for the petitioner has submitted that shortly after the grant of anticipatory bail to Opposite Party Nos. 2 and 3, they again indulged in act of vandalism for which a case had to be lodged. Only because of the bail order having been passed by this Court in Malsalami P. S. Case No. 400 of 2018, the courts below are also granting bail to them. The petitioner is an old person who is now being prevented from prosecuting the cases which he has filed against Opposite Party Nos. 2 and 3.

He further submits that the bail was granted to Opposite Party Nos. 2 and 3 on a misleading statement that there is a land dispute between the parties whereas there is no dispute at all regarding any land.

On perusal of the order, it becomes very clear



that it has been passed on there being general and omnibus allegation against many accused persons including Opposite Party Nos. 2 and 3 and because of a spate of litigation between them in the past.

These facts have not been disputed.

The counter affidavit to the petition clearly indicates that the litigation between the parties is continuing since 2018. Several cases were filed against the Opposite Party Nos. 2 and 3 earlier also in which anticipatory bail was granted to the opposite parties either by this Court or by the district Court. In the case about which reference has been made in this petition, one of the accused persons, *viz*, the Opposite Party No. 2 was charge-sheeted but final report false was submitted against Opposite Party No. 3. Opposite Party No. 2 was taken into custody and only after seven months, he was released on bail.

It has thus been submitted that no good ground has been made out by the petitioner for cancelling the



bail granted to Opposite Party Nos. 2 and 3.

Ms. Srivastava, learned advocate for the Opposite Party Nos. 2 and 3 has also submitted that there may not be any Title Suit between the parties but there are competing claims over certain portions of land which has led to this litigation and other cases between them. In this view of the matter, no misleading statement appears to have been made by Opposite Party Nos. 2 and 3 for getting anticipatory bail by this Court.

No good ground has been made out for cancellation of the bail granted by this Court to Opposite Party Nos. 2 and 3.

There is no merit in this petition.

The petition stands dismissed accordingly.

(Ashutosh Kumar, J)

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