

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9100 of 2021

Arising Out of PS. Case No.-671 Year-2019 Thana- LAKHISARAI District- Lakhisarai

MANOJ KUMAR Son of Late Radhe Shyam Mehta Resident of Mohalla -
Santar Ward No. 13, P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nawal Kumar Son of Shiv Kumar Paswan Resident of Village - Santar
Mohalla, P.S.- Lakhisarai, District- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Sahay Jamuar, Adv.
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

18 09-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This application has been filed for cancellation of bail granted to the opposite party no. 2 vide order dated 23.01.2020 passed in Cr. Misc. No. 4461 of 2020, as contained in Annexure-1.

Learned counsel for the petitioner(informant) submits that bail was granted to the opposite party no. 2 Nawal Kumar on the false submission of learned counsel that similarly situated co-accused Santosh Kumar @ Santosh Kumar Paswan @ Tiger has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.11.2019 passed in Cr. Misc. No.



75060 of 2019. Further he submits that the petitioner of Cr. Misc. No. 75060 of 2019 is neither named in the first information report nor there is any allegation of firing against him. On the other hand, the opposite party no. 2 Nawal Kumar is F.I.R. named accused and there is allegation of firing against him, and as such, the ground of similarly situated co-accused does not arise by any means. He, therefore, submits that the bail granted to the opposite party no. 2 deserves to be cancelled.

Learned counsel appearing for the opposite party no. 2 submits that the opposite party no. 2 was granted bail not only considering the grant of bail to the similarly situated co-accused, rather he was granted bail on considering the grounds that there is previous dispute between the parties, the period of his custody and that similarly situated co-accused was granted bail. As such, the opposite party no. 2 has not misled the Court and the order passed by the Hon'ble Court is correct.

He, however, could not show that the case of this petitioner is similar to the case of the co-accused who has been granted bail in Cr. Misc. No. 75060 of 2019.

Considering the submissions advanced on behalf of the parties, this Court finds it to be a fit case for cancellation of bail. Accordingly, the bail granted to the opposite party no. 2 vide



order dated 23.01.2020 passed in Cr. Misc. No. 4461 of 2020 is,
hereby, cancelled.

The application stands allowed.

(Arvind Srivastava, J)

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