

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23171 of 2022**

Arising Out of PS. Case No.-70 Year-2021 Thana- ASHTHAWAN District- Nalanda

KAILU YADAV Son of Late Lalo Yadav Resident of Village and P.O. and
P.S.- Asthawan, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Yadav @ Doma @ Doman Yadav @ Doman Son of Nepali Yadav
Resident of Village and P.O. and P.S.- Asthawan, District - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 13-07-2022 The present application has been filed seeking
cancellation of bail granted to opposite party no. 2 vide order
dated 08.03.2022 in Cr. Misc. No. 58980 of 2021 arising out of
Ashthawan P.S. Case No. 70 of 2021 in connection with
Sessions Trial No. 439 of 2021.

Learned counsel draws the attention of the Court to
the order dated 22.06.2022 whereby notices were issued on the
opposite party no. 2 as the bail cancellation application was
filed on the ground that while seeking bail it was submitted on
behalf of the opposite party no. 2 herein that the trial has not
commenced, though charges have been framed but on the date
when the bail was granted two witnesses out of nine were
already examined and this fact was concealed by the learned



counsel appearing on behalf of the opposite party no. 2. Accordingly, notices were issued by both modes by order dated 11.05.2022 and the office report recorded that unserved ordinary notices returned with report that house of opposite party no. 2 locked, no person resides as per villagers, hence, returned and AD has not been received as yet.

The learned counsel for the petitioner, thus, submitted that the opposite party no. 2 was only trying to evade the notice when the notices were sent on the same address as recorded in Cr. Misc. No. 58980 of 2021. The Court, accordingly, directed that the order dated 22.06.2022 be sent to the learned court below so that the learned counsel appearing on behalf of the opposite party no. 2 is made aware of the notice for its communication to the opposite party no. 2 and the case was directed to be listed on 13.07.2022.

Today, when the matter is taken up, perused the report of the learned court below dated 28.06.2022 and from perusal of the same, it appears that the order dated 22.06.2022 was communicated to the learned Advocate Shri Sanjay Sharan of opposite party no. 2 herein.

The learned counsel submits that firstly the opposite party no. 2 has tried to evade the notice sent by this Court on the



address which was mentioned in Cr. Misc. No. 58980 of 2021 and now when the order dated 22.06.2022 was communicated to the learned lawyer of the opposite party no. 2 still no one appears on behalf of the opposite party no. 2 to oppose the present cancellation application, despite the learned counsel for the opposite party no. 2 in the learned court below being aware of the order dated 22.06.2022.

Learned A.P.P. submits that the conduct of the opposite party no. 2 is reprehensible and the opposite party no. 2 obtained bail by misleading this Court and now when the notices have been issued he is evading.

After hearing the learned counsel for the petitioner and the learned A.P.P., this Court finds that opposite party no. 2 is definitely trying to evade the notice as aforesaid. It appears that what has been stated in the present cancellation application is true or else, the opposite party no. 2 must have appeared through his learned counsel, the moment his lawyer came to know about the order dated 22.06.2022.

It appears that the opposite party no. 2 has misled the Court for the purpose of obtaining bail, as such, the bail granted to the petitioner by order dated 08.03.2022 in Cr. Misc. No. 58980 of 2021 hereby canceled and the learned court below is



directed to take all coercive steps to ensure that the opposite party no. 2 is behind bars expeditiously.

(Satyavrat Verma, J)

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