

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.595 of 2018

Arising Out of PS. Case No.-142 Year-2017 Thana- DHANARUA District- Patna

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1. Upendra Singh @ Upendra Kumar S/o Late Mahesh Singh.
 2. Chandramauli Singh @ Chandra Mauli Kumar, S/o Upendra Singh.
 3. Mritunjay Kumar, S/o Late Raj Kumar Singh.
 4. Chandan Kumar, S/o Late Kailash Prasad Sharma.
All resident of Village- Devadaha, P.S. Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Saravjeet Kumar, S/o Ramdeo Prasad, resident of Village- Devadaha, P.S. Dhanarua, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Singh, Adv. Mr. Rahul Kumar Singh, Adv.
For the State	:	Mr. Pranav Kumar, Adv.
For the O.P.No.2	:	Mr. Sanjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2022 Heard learned counsel for the petitioners, learned counsel for the opposite party no.2 and learned APP for the State.

Petitioners in the present case are aggrieved by and dissatisfied with the order dated 10.04.2018 passed by learned Sub-Divisional Judicial Magistrate, Masaurhi, Patna in Dhanarua P.S. Case No.142 of 2017.

Learned counsel for the petitioners submits that the petitioners were granted bail in Dhanarua P.S. Case No.142 of 2017, but later on their bail bonds have been cancelled after the



learned S.D.J.M., Masaurhi found that the petitioners had not stated about their involvement in Dhanarua P.S. Case No.513/2016 under Sections 307, 435/34 of the Indian Penal Code which was lodged on 22.11.2016.

Learned counsel for the petitioners submits that so far as Dhanarua P.S. Case No.513 of 2016 is concerned, the petitioner nos.1 to 3 are accused in the said case. Petitioner no.4 is not an accused in the said case. The petitioners were already granted bail on 25.11.2016 but this fact could not be mentioned in course of hearing of the application of Dhanarua P.S. Case No.142 of 2017. Learned counsel submits that in Dhanarua P.S. Case No.142 of 2017 the learned S.D.J.M. had granted bail on 03.04.2017. On the said date, the petitioner nos. 1 to 3 were already on bail in Dhanarua P.S. Case No.513 of 2016, but inadvertently this fact could not be mentioned in the bail application which was a bonafide mistake and the mentioning of this case was not going to cause any prejudice to the interest of the petitioners, therefore there was no question of concealment of this fact.

Learned counsel for the informant as well as learned APP for the State does not dispute that the petitioner nos.1 to 3 were already granted bail in Dhanarua P.S. Case No.513 of 2016



on 25.11.2016 whereas petitioner no.4 is not an accused in the said case.

In this regard learned counsel has relied upon a judgment of the Hon'ble Supreme Court in the case of **Ms. X Vs. State of Telangana and Anr.** reported in **AIR 2018 SC 2466 (paragraphs 14, 15 and 16).**

In the given facts and circumstances of the case, this Court finds that cancellation of bail bonds of the petitioners in Dhanarua P.S. Case No.142 of 2017 was not warranted as the magnitude of the concealment is not to an extent that it requires taking an extreme view of cancellation of bail. The Hon'ble Supreme Court has in the case of Ms. X (supra) taken a view in almost similar circumstance which supports the case of the petitioners.

In result, this Court sets aside the impugned order dated 10.04.2018.

Let the bail bonds of the petitioners be restored in Dhanarua P.S. Case No.142 of 2017 pending in the court of learned S.D.J.M., Masaurhi.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

