

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31275 of 2022

Arising Out of PS. Case No.-242 Year-2020 Thana- SALAKHUA District- Saharsa

DILIP KUMAR MEHTA SON OF CHHATRI MEHTA R/O VILLAGE-
AMBADIH, P.S.- SALKHUWA, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAJESH MEHTA SON OF BRAHMDEO MEHTA R/O VILLAGE-
AMBADIH, P.S.- SALKHUA (BANMA ITHARI O.P.), DISTRICT-
SAHARSA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-10-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the Opposite Party
no.2.

The instant application has been filed by the petitioner
praying for cancellation of bail granted to Opposite Party no.2.

The case of the petitioner is that the Opposite Party
no.2 was granted bail in connection with Salkhua P.S. Case
no.242 of 2020 vide order dated 19.1.2022 passed in Cr. Misc.
no.39649 of 2021. Referring to the order granting bail,
(Annexure-P/3 to the petition), it is submitted by learned
counsel that from perusal of the same, it would appear that the
allegations are said to be general and omnibus in nature and



there was delay in lodging of the F.I.R. Learned counsel refers to the F.I.R. to submit that for an occurrence which has taken place on 26.10.2020, the written report signed by the informant was submitted on 26.10.2020 itself and thereafter on the same being sent to S.H.O., Salkhua, the instant case was registered on 27.10.2020. It is thus submitted that there was no delay. The allegations were specific against three accused persons named in the F.I.R. including the petitioner herein. It is further submitted that even subsequent to lodging of the F.I.R., a sanha has been lodged by one of the victims namely Govind Mehta which has been brought on record as Annexure-P/4 to the petition making allegations therein of the accused persons including the Opposite Party no.2 herein hurling abuses and giving threats. Thus, it is submitted that the bail granted to the Opposite Party no.2 by the aforesaid order dated 19.1.2022 be cancelled and he be taken into custody.

Learned counsel appearing for the Opposite Party no.2 opposes the application. It is submitted that so far as the sanha lodged by one of the victims is concerned, it may be mentioned that no report was given to the police for the said occurrence nor any F.I.R. lodged. The same has been created only for the purpose of filing a petition for cancellation of bail.



The petitioner has not made out any case for cancellation of bail of the Opposite Party no.2. There being no merit in the application, the same be dismissed.

Having perused the materials on record and having heard learned counsel for the parties, on perusal of the order granting bail to the Opposite Party no.2 as contained in Annexure-P/3 to the petition is concerned, it transpires that the ground for granting bail to the Opposite Party no.2 was that the allegations were general and omnibus in nature and the petitioner had remained in custody for over one year.

In view of the above, the Court is of the opinion that the petitioner has not made out any case for cancellation of bail of the Opposite Party no.2.

The application is dismissed.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

