

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57126 of 2021

Arising Out of PS. Case No.-656 Year-2019 Thana- MADHAURAH District- Saran

VIJAY PRASAD Son of Late Sonalal Prasad @ Sonalal Sah Resident of
village - Asoiya, P.S.- Marhowrah, Distt.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nagina Prasad @ Nagina Rai Son of Late Kamla Prasad @ Kamla Rai
Resident of village - Awari, P.S.- Marhowrah, Distt.- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Adv.
For the State	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Sanjeev Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

15 12-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State. No one appears for the opposite party no. 2.

This application has been filed for cancellation of bail
granted to the opposite party no. 2 vide order dated 24.01.2020
passed in Cr. Misc. No. 3229 of 2020, as contained in
Annexure-2.

Learned counsel for the petitioner submits that in the
petition for bail of the opposite party no. 2, it was mentioned
that petitioner has clean antecedent and accordingly this Court
taking into consideration his clean antecedent, had granted bail
to the opposite party no. 2. However, there is one more case
pending against the opposite party no. 2 bearing Marhowrah P.S.



Case No. 211 of 2013 under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian Penal Code. Learned counsel further submits that opposite party no. 2 has misled this Court.

Learned A.P.P. appearing for the State has not disputed the above submission made on behalf of the petitioner.

Considering the submissions advanced on behalf of the parties, this Court finds that the opposite party no. 2 had suppressed the material facts with regard to his antecedent and had fraudulently obtained bail from this Court. Accordingly, the bail granted to the opposite party no. 2 vide order dated 24.01.2020 passed in Cr. Misc. No. 3229 of 2020 is, hereby, cancelled.

The application stands allowed.

(Arvind Srivastava, J)

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