

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4554 of 2023

Arising Out of PS. Case No.-113 Year-2008 Thana- SINGHWARA District- Darbhanga

SUNIL KUMAR CHOUDHARY Son of Ram Chandra Choudhary Resident of Village - L.R. Villa, R.S. Tank Navtolia, Balbhadarpur, P.S.- Bahadurpur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilip Kahar Son of Late Chalitar Kahar Resident of village - Singhwara, P.S.- Singhwara, District - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Patel
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

14 16-08-2023 This is an application for cancellation of bail granted to the Opposite Party No. 2 by this Court vide order dated 30.08.2022 passed in Cr. Misc. No. 25683 of 2022 arising out of Singhwara P.S Case No. 113 of 2008 pending in the Court of learned Chief Judicial Magistrate, Supaul.

Learned counsel for the petitioner submitted that the O.P. No. 2 got the privilege of bail with mala fide intention by suppressing the fact that the co-accused persons Shambhu Kahar, Kharha Sahani @ Ranjeet Sahani, Haricharan Kahar and Upendra Sahani have been convicted by the learned Additional Sessions Judge-III, Darbhanga vide judgment dated 12.02.2013 passed in Sessions Trial No. 33 of 2010. The said convicts (the



co-accused persons) have already been granted bail during trial vide order dated 09.07.2010 passed in Cr. Misc. No. 22674 of 2010 by the Co-ordinate Bench of this Court.

Learned A.P.P. for the State has submitted that there is no suppression of material fact by the petitioner. Learned APP has further submitted that the petitioner never misused the privilege of bail granted by the Hon'ble Court. It is further submitted that the petitioner is not the informant, therefore, the petitioner has no locus standi.

Considering the facts and circumstances of the case the instant application for cancellation of bail granted to the Opposite Party No. 2 is rejected.

(Chandra Prakash Singh, J)

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