

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9926 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- JAMUI District- Jamui

SHIV KUMAR SAH Son of Late Nafri Sah Resident of Village - Shahpur,
P.S.- Jamui, District – Jamui. Petitioner/s

Versus

1. The State of Bihar
 2. Navin Kumar Son of Dilip Sah Resident of Village - Sahpur, P.S.- Jamui,
District - Jamui
- Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Akash Raj
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-07-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no.2.

Today a counter affidavit has been filed in Court after
serving a copy on learned counsel for the petitioner.

Let it be kept on record.

The present application has been filed for cancellation
of anticipatory bail granted to the opposite party no.2 vide order
dated 05.12.2022 passed in Cr. Misc. No.46396 of 2022.

Learned counsel for the petitioner submits that
opposite party no.2 has *mala fidely* suppressed his criminal
antecedent while filing and arguing his bail application. He
further submits that opposite party no.2, after securing
anticipatory bail, threatened the informant and his family
members to withdraw the case. In buttress of his submission, he



has relied on the judgment of the Hon'ble Apex Court in the case of **Nityanand Rai Vs. State of Bihar** reported in **(2005) 4 SCC 178** and **Ramcharan Vs. State of M.P.** reported in **2004 (13) SCC 617**. Accordingly, it is prayed to cancel the anticipatory bail granted to opposite party no.2.

On the other hand, learned counsel for the opposite party no.2 submits that the mistake regarding non-mentioning of the criminal antecedent is not intentional, rather it was occurred due to *bona fide* miscommunication between the deponent of the case and the conducting lawyer. Regarding other allegations made in the application, he submits that the entire allegations are concocted and imaginary only with a view to make out a case for cancellation of the bail granted to opposite party no.2. Lastly, he submits that the application filed by the petitioner has no leg to stand and the same may be dismissed.

Having heard learned counsel for the parties and perusing the case records, I do not find any reasonable/convincing ground to entertain this application.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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