

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12403 of 2023**

Arising Out of PS. Case No.-2847 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

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MUKESH PRASAD S/O UTIM PRASAD Resident of village- Karhi, P.S.-
Baniyapur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SEEMA DEVI W/O MUKESH PRASAD Resident of village- Karhi, P.S.-
Baniyapur, District- Saran. Present Resident of Village- Bedauli, P.S.-
Baniyapur, District- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-03-2023 Heard learned counsel for the petitioner and

learned APP for the State.

This application has been filed for quashing the
order dated 01.12.2022 passed by learned Sessions Judge, Saran
at Chapra in Cr. Revision No. 127 of 2022 (Trial No. 2375 of
2022) by which learned Court below has affirmed the order
dated 07.3.2022 passed by learned A.D.J.M., Saran at Chapra,
whereby and whereunder he has cancelled the bail bond of the
petitioner in Complaint Case No. 2847 of 2018.

Learned counsel for the petitioner has relied upon



the judgment in the case of ***Sandeep Kumar Tekriwal vs. State of Bihar & Anr. [2009 PLJR (2) 260]*** on the proposition that a bail bond cannot be cancelled on the same day on which the petition for representation under Section 317 of the Cr.P.C. is rejected and on the strength of this Judgment, he submits that the impugned order of the Magistrate, which has been affirmed by the Revisional Court is bad in law and is fit to be set aside.

In view of the aforesaid Judgment of ***Sandeep Kumar Tekriwal vs. State of Bihar & Anr. (supra)*** learned APP for the State fairly submits that he cannot oppose the prayer of the petitioner.

Considering the facts of the case and also considering the law laid down by the Hon'ble Apex Court in the case of ***Sandeep Kumar Tekriwal vs. State of Bihar & Anr. (supra)***, This application is allowed.

Accordingly, both the orders i.e. order dated 01.12.2022 passed by learned Sessions Judge Saran at Chapra in Cr. Revision No. 127 of 2022 as well as the order dated 07.03.2022 passed by learned A.D.J.M., Saran at Chapra, in Complaint Case No. 2847 of 2018 are set aside.

The petitioner will appear before the Court below, the Court below will release him on a fresh bail bond and



thereafter, the proceedings of the case will continue.

With the aforesaid observations and directions, this application is allowed.

(Sandeep Kumar, J)

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