

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35024 of 2016

Arising Out of PS. Case No.-713 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Bimal Bihari Sharan son of Madan Bihar Saran resident of Mohalla Bir
Basawan Nagar, Shivpuram, Bailey Road, P.S. Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. State of Bihar
2. Amitabh Kumar, aged about 40 Years, S/o Shiv Kumar Singh, posted as
MVI, resident of Anandpuri House "Indrashan" Boring Canal Road, P.S.-
S.K. Puri, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-09-2023 The present petition has been filed under Section 482

of the Cr. P.C. by the petitioner against the impugned order

dated 31.03.2016, passed by Ld. Sessions Judge, Patna in Cr.

Misc. (Bail Cancellation) Case No. 261 of 2015, whereby Ld.

Sessions Judge had rejected the application of the petitioner

filed for cancellation of anticipatory bail granted to opposite

party no.2, vide order dated 22.09.2015, passed in A.B.P. No.

5924 of 2015 in connection with Complaint Case No. 713(c) of

2015 lodged for the offences punishable under Sections 384 and

420 of the IPC.

2. Heard both the parties at length.

3. Ld. counsel for the petitioner submits that Ld.



Sessions Judge failed to appreciate the submission advanced on behalf of the petitioner that at the time of grant of bail, Opposite Party no.2, Amitabh Kumar had concealed one criminal antecedent, bearing Complaint Case No. 382 of 2012, which was pending against him. It is further submitted that at the time of grant of bail, the opposite party no.2 was aware of this complaint case, because prior to grant of bail, he had preferred a petition under Section 482 Cr. P.C. in regard to the complaint case before this Court.

4. Learned APP for the State submits that there is no illegality or infirmity in the impugned order, because Opposite Party no.2 was not aware of the complaint case, which the petitioner is referring to, at the time of grant of bail, because at that stage, no summons was issued to opposite party no.2. Hence, he cannot be deemed to have knowledge of the complaint case.

5. Considered the submissions advanced by both the parties and perused the materials on record.

6. The Court finds that at the relevant time, no summons was issued to the Opposite Party no.2. Hence, it cannot be said that at the time of grant of bail, opposite party no.2 was aware of that complaint case. As such, there is no



illegality or infirmity in the impugned order, because Ld. Sessions Judge has rightly rejected the application of the petitioner filed for cancellation of bail granted to Opposite Party no.2.

7. The present application is dismissed, accordingly.

(Jitendra Kumar, J)

Amrendra/-

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