

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44701 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- GARDANIBAG District- Patna

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Jitendra Kumar Son Of Gautam Prasad Resident Of 264, Mai Asthan,
Bhikhachak, P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Himanshu Kumar Son Of Ravindra Yadav @ Ravindra Prasad Resident Of
Bhikhachak, P.S.- Gardanibagh, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Anand Kumar

For the Opposite Party/s : Mr.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

10 01-09-2023 The present application has been filed for

cancellation of anticipatory bail to O.P. No. 2 which was

granted vide order dated 23.03.2022 passed in Cr. Misc.

No. 44460 of 2021.

It is submitted by learned counsel for the

petitioner that O.P. No. 2 is accused in Gardanibagh P.S.

Case No. 405 of 2019 registered under Sections 341,

323, 325, 504, 34 of the Indian Penal Code but at the

time of filing bail petition, he has mentioned in para 3 of

the petition that he has no criminal antecedent. It is

further submitted that injury report of the informant's



side has been annexed as Annexure-2 series which suggests that informant has received grievous injuries but the O.P. No. 2 at the time of taking bail had submitted that informant's side have sustained simple injuries. It is also submitted that prior to filing of the anticipatory bail petition, Sections 82, 83 Cr.P.C proceedings were also initiated against the O.P. No. 2 but O.P. No. 2 has concealed this fact at the time of grant of anticipatory bail.

The show-cause has been filed on behalf of the O.P. No. 2 in which it has been stated that so far as criminal antecedent against the O.P. No. 2 is concerned, Gardanibagh P.S. Case No. 405 of 2019 was instituted by the petitioner of the present cancellation petition. The uncle of O.P. No. 2 has also lodged Gardanibagh P.S. Case No. 404 of 2019 against the petitioner's side and O.P. No. 2 was granted bail in the aforesaid case and thereafter no date was fixed for appearance. Hence, the O.P. No. 2 was under impression that the case has been



dropped. The O.P. No. 2 had made available the injury report at the time of filing anticipatory bail petition and records available at that time suggested the injuries to be simple in nature.

The O.P. No. 2 is directed to be vigilant in future.

Considering the fact that O.P. No. 2 was granted anticipatory bail after considering the facts and circumstances of the case, this Court is not inclined to entertain the present cancellation application.

The present cancellation application stands rejected.

(Sunil Kumar Panwar, J)

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