

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52427 of 2022

Arising Out of PS. Case No.-36 Year-2021 Thana- EKCHARI District- Bhagalpur

Shiv Narayan Singh @ Mandal S/o Late Hira Singh, Resident of Village- Khawaspur, P.O.- Khawaspur, P.S.- Ekchari, District- Bhagalpur. At present Resident of Village- Fulwati Niketan, Kelabari, Dhangarsi, P.S.- Sahebganj, District- Sahebganj. (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Babu Lal Mandal S/o Late Baijnath Mandal, Resident of Village- Khawaspur, P.S.- Ekchari, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the State	:	Ms. Dr. Indiar Kumari, APP.
For the O.P. No.2	:	Mrs. Vaishnavi Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 05-04-2023 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the opposite party No.2.

The present Cr. Misc. has been filed for cancellation of regular bail of opposite party No.2 granted by this court vide order dated 17.08.2022 passed in Cr. Misc. No. 22802 of 2022 arising out of Ekchari P.S. Case No. 36 of 2021 dated 13.10.2021, lodged under Section 147, 149, 341, 323, 307 & 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the Court at the time of granting bail, consider the age of petitioner



as 70 years which is not correct according to the petitioner. Counsel has submitted series of documents including the pleading of title suit and the voter list. After going through that, it transpires that the age of petitioner is not 70 years, rather it is less than that. A show cause notice was issued upon opposite party No.2 in this case.

Learned counsel for the opposite party No. 2 has filed a counter affidavit in this case and submits that the present application for cancellation of bail may be rejected on the ground that there is no conclusive piece of evidence on record by which the age of petitioner could be ascertained. She further submits that the person who has filed affidavit in Cr. Misc. No. 22802 of 2022 was the daughter-in-law of petitioner who has disclose the approximate age of petitioner, as per her information which she gathered. Learned counsel submits that the mentioning of difference of age, if any, is not intentional and with a view to take any benefit.

Upon going through the pleadings as well as minute perusal of the order granting regular bail, it transpires to the Court that age was not the only reason for the purpose of granting bail rather this bail was granted in the facts and circumstances mentioned above and it is there that parties are



agnates, long pending land disputes are going on and proceeding under Section 107 & 144 of Cr.P.C. were also admitted as well as there was no specific act or overt act upon the petitioner of the said case (present opposite party No.2).

In this view of the matter, I am not inclined to entertain the present case, therefore, this Cr. Misc. Application stands dismissed.

(Dr. Anshuman, J.)

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