

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72814 of 2022**

Arising Out of PS. Case No.-85 Year-2010 Thana- RAGHOPUR District- Vaishali

DINKAR KUMAR Son of Late Pradeep Rai Resident of Village -
Pursottampur, P.S.- Rustampur O.P. Raghapur, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sohan Raj @ Sohan Gope Son of Late Chandeshwar Rai Residence of
Village - Saidpur, Hulas Jafarabad, P.S.- Raghapur, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi

For the Opposite Party/s : Mr. Akhileshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

- 12 08-12-2023 1. The present application has been filed for cancellation of
bail, granted to the opposite party no. 2 by this Court in
Cr. Misc. No. 51545 of 2022 on 09.11.2022.
2. Mr. Sriram Krishna, learned counsel for the petitioner
submits that the opposite party no. 2 is a dreaded criminal
and has obtained the bail from this Court by suppressing
the material facts inasmuch as there was criminal
antecedents against the opposite party no. 2, which was
not disclosed in the bail application by him.
3. He further submits that after the order of bail, dated
09.11.2022, the opposite party no. 2 started threatening
the petitioner and his family in various ways, due to
which the petitioner and his family members is having
apprehension about their life and property. On



26.11.2022, the opposite party no. 2 digitally communicated the petitioner and threatened him with dire consequence. Learned counsel relies upon the judgment of **Prashant Kumar Sarkar v. Ashis Chatterjee and anr** reported in **2010 (14) SCC 496** and submits that criminal antecedents is one of the parameters while granting bail to the accused.

4. On the other hand, learned senior counsel for the opposite party no. 2 submits that stringent condition has been imposed by this court while granting bail to the opposite party no. 2, which included, that the petitioner would report to the Station House Office, Raghapur Police Station, fortnightly, and shall also furnish his active mobile number to the Station House Officer, Raghapur Police Station. He further submits that the opposite party no. 2 remained in jail since 31.05.2019 i.e. about three and a half years and in the fourth attempt, this Court granted bail to the opposite party no. 2, taking into account the period of custody as well as slow progress of trial.
5. In so far as, disclosure of antecedents of the opposite party no. 2 is concerned, learned counsel for the petitioner



submits that six antecedents have already been disclosed in the bail application, but, inadvertently, one case, registered under the arms act, could not be disclosed. This bonafide mistake is on the part of pervikar of the opposite party no. 2. Learned counsel further submits that the petitioner, at no point of time, informed the Rahapur Police Station regarding the threat being given by the opposite party no. 2 to the petitioner and his family members and before release of the opposite party no. 2 from jail on 24.02.2023, the cancellation of bail application has been filed on 02.12.2022.

6. I have heard learned counsel for the parties concerned.
7. Taking into consideration the rival submissions and the facts that no cogent material has been brought on record regarding misuse of bail by the opposite party no. 2, accordingly, I am of the view that this application, for cancellation of bail, requires no interference by this Court.
8. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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