

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11235 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

Indu Devi W/O Ashok Prasad Singh R/O VILLAGE- LOHSARI, PS.
BOCHAHAN, DIST.MUZAFFARPUR.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. PRABHAKAR KUMAR S/O UMASHANKAR SINGH VILLAGE-
ATHARI, PS. RUNNI SAIDPUR, DIST. SITAMARHI.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Nath, Adv.
For the Opposite Party/s : Mr.Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 16-02-2024 This is an application for cancellation of bail granted to the Opposite Party No. 2 by this Court vide order dated 18.12.2023 passed in Cr. Misc. No. 76531 of 2023 in connection with Bochahan P.S Case No. 10 of 2023 pending in the Court of learned Judicial Magistrate-1 , Muzaffarpur (East).

2. Learned counsel for the petitioner submitted that the O.P. No. 2 got the privilege of bail with mala fide intention by suppressing the fact that the the OP No. 2 has deliberately suppressed the fact that he was accused in Runisaidpur P.S. Case No. 228 of 2023 and hence have criminal antecedents. It is further submitted that in course of hearing, the OP No. 2 has also suppressed the fact that he has already taken into custody in



Bochahan P. S. Case No. 10 of 2023 prior to 18.12.2023 therefore, the bail allowed to the O.P. No. 2 vide order dated 18.12.2023.

3. Learned A.P.P. for the State has submitted that there is no suppression of material fact by the petitioner. Learned APP has further submitted that the petitioner never misused the privilege of bail granted by the Hon'ble Court. It is further submitted that there is no suppression of fact about the criminal antecedents as the criminal antecedents is clearly mentioned in the bail order dated 18.12.2023 passed in Cr. Misc. No. 76531 of 2023. Learned counsel has placed the reliance on the judgment of **Abdul Basit @ Raju & Ors. Etc. Md. Abdul Kadir Chaudhary (2014) 10 SCC 754** in which the Supreme Court noted that “the considerations for grant of bail and cancellation thereof are entirely different. The bail could be cancelled if the court is satisfied that after being released on bail”:-

“(a) The accused has misused the liberty granted to him;

(b) flouted the conditions of the bail order;

(c) that the bail was granted in ignorance of statutory provisions restricting the powers of the court to grant bail;



(d) or that the bail was procured by misrepresentation or fraud”.

4. In light of the aforementioned facts, none of the aforementioned conditions existed to cancel the bail. Accordingly, the instant application for cancellation of bail granted to the Opposite Party No. 2 is rejected.

(Chandra Prakash Singh, J)

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