

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18811 of 2023

Arising Out of PS. Case No.-655 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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RAJ KUMAR GANDHI Son of Late Ram Pratap Gandhi Resident of Village
- Rajaura, P.S.- Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guddu Kumar Son of Amlesh Mahto Resident of Village - Sikandarpur,
Rajaura, P.S.- Muffasil, District - Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 9 02-02-2024 1. Heard the learned counsel for the petitioner and the
learned APP for the State.
2. The present petition has been filed for cancellation
of regular bail granted to the opposite party no. 2 vide order
dated 19.10.2020, passed in Cr. Misc. no. 26846 of 2020, on the
ground that opposite party no. 2 has violated the condition for
bail and failed to pay Rs. 8 lacs in 12 instalments, as stipulated
in the bail order.
3. Learned counsel for the petitioner has submitted
that on 19.10.2020, this Court granted regular bail to the
opposite party no. 2 on the basis of offer made by him to refund
the advance amount of Rs. 10 lacs to the informant/ petitioner,



within a period of 12 months from the date of order.

4. It is further submitted that the bail granted to the opposite party no. 2 was subject to the condition that entire amount of Rs. 10 lacs shall be refunded to the petitioner/ informant by the opposite party no. 2 and at the time of furnishing bail bonds, a sum of Rs 2 lacs out of total amount of Rs. 10 lacs shall be handed over to the petitioner/ informant by the opposite party no. 2 in the court room itself by way of bank draft and balance amount of Rs. 8 lacs was required to be deposited in 12 instalments in the bank account of the petitioner/ informant.

5. It is next submitted that after payment of Rs. 2 lacs, opposite party no. 2 was released on bail but he did pay further amount to the petitioner out of the balance amount of Rs. 8 lacs. In the circumstances, the petitioner had earlier filed a petition for cancellation of bail granted to the opposite party no. 2 before this Court in Cr. Misc. no. 69715 of 2021 and this Court, upon submission of learned counsel for opposite party no. 2 that due to intervening COVID Pandemic, the opposite party no. 2 could not adhere to the condition of bail and balance amount of Rs. 8 lacs could not be refunded, however, undertook to pay a sum of Rs. 8 lacs within a period of eight months from today from



the date of order i.e. 06.07.2022, disposed the cancellation of bail application filed by the petitioner but again the opposite party no. 2 did not refund a single penny to the petitioner and has thereby, violated the condition of bail with impunity.

6. Despite valid service of notice, no one appears on behalf of opposite party no. 2

7. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and the fact that the opposite party no. 2 has blatantly violated the condition of bail despite opportunity having been given to him by this Court again in Cr. Misc. no. 69715 of 2021 to pay the balance payment of Rs. 8 lacs within 08 months, I deem it expedient to cancel the regular bail granted to the opposite party no. 2 vide order dated 19.10.2020, passed in Cr. Misc. no. 26846 of 2020 and the learned trial court is directed to take all possible steps to ensure judicial custody of the opposite party no. 2.

8. The present application is disposed on the aforesaid terms.

(Anil Kumar Sinha, J)

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