

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23497 of 2024

Arising Out of PS. Case No.-197 Year-2023 Thana- MADHUBAN District- East Champaran

Lal Babu Prasad Son of Bajrangi Lal Sah Resident of Village- Madhuban,
Police Station- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Md. Sahid Khan @ Shahid Khan Son of Md. Hafiz Resident of Village-
Madhuban Purani Bazar, Police Station- Madhuban, Dist.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

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

ORAL ORDER

2 20-03-2024 This is an application for cancellation of bail granted to the Opposite Party No. 2 by this Court vide order dated 12.09.2023 passed in Cr. Misc. No. 61426 of 2023 arising out of Madhuban P.S. Case No. 197 of 2023 pending in the Court concerned, East Champaran at Motihari.

2. Learned counsel for the petitioner submitted that the O.P. No. 2 got the privilege of bail with mala fide intention. It is further submitted that after granting the regular bail of the O.P. No. 2 in this case by this court, the O.P. No. 2 threatened the petitioner and witnesses of this case that if they deposed against the O.P. No. 2 before the Court then O.P. No. 2 would again kidnapped another girl for converting from Hindu to



Muslim and also threatened to kill the petitioner and the witnesses.

3. Learned A.P.P. for the State has submitted that there is no suppression of material fact by the petitioner. Learned counsel for the petitioner has not filed any document showing that O.P. No. 2 threatened the petitioner and the witnesses of this case. It is further submitted that no application has been filed with regard to the alleged threat in the concerned thana or filed any application before the court concerned. Learned counsel has further submitted that the petitioner never misused the privilege of bail granted by the Hon'ble Court. 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)

Gautam/-

U		T	
---	--	---	--

