

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49631 of 2016**

Arising Out of PS. Case No.-866 Year-2014 Thana- PURNIA COMPLAINT CASE District-  
Purnia

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Shankar Prasad @ Shankar Kumar Lal son of Satish Chandra Verma, resident  
of Gandhi Nagar, Madhubani, P.S. K.Hat, District-Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chandan Kumar, Son of late Jitendra Kumar Sinha.
3. Kundan Kumar son of late Jitendra Kumar Sinha.
4. Nawal Kishore, son of late Lilanand.  
2,3,4 are resident of Naya Bazar, Saharsa, P.S.- Saharsa, District-Saharsa.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Singh  
For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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

- 2      04-04-2024      1. Learned Counsel for the petitioner submits that the  
  
learned Sessions Judge, Purnea, in A.B.P. No. 1470 of  
  
2014, granted anticipatory bail to Opposite Party Nos. 2  
  
to 4 on 10.12.2014 in connection with Complaint Case  
  
No. 866 of 2014, in which cognizance was taken for the  
  
offences punishable under Sections 420/406/566/467/468/  
  
474/471/195/380/34/120-B of the Indian Penal Code.
2. The petitioner filed cancellation of anticipatory bail  
  
granted to Opposite Party Nos. 2 to 4, in Criminal Misc.  
  
No. 10 of 2015, on the ground that the Opposite Party  
  
Nos. 2 to 4, after obtaining privilege of anticipatory bail,



started abusing and threatening the petitioner to withdraw the case and also threatening the witnesses. He submits that Criminal Misc. No. 10 of 2015 has been dismissed by learned Sessions Judge, Purnea, on the ground that the petitioner did not make the State of Bihar as party and further the cancellation of bail application has been filed in the same court, which is not maintainable in the eyes of law.

3. Learned Counsel relies upon a decision of the Supreme Court, in the case of **Dinesh M.N. (S.P.) v. State of Gujarat (AIR 2008 SC 2318)** and submits that cancellation of bail can be filed before the court granting the bail if it is court of sessions or the High Court.
4. I have heard learned Counsel for the parties concerned.
5. There is no dispute regarding the proposition of law that cancellation of bail can be filed before the court of sessions or the High Court, as per law. The impugned order refusing cancellation of bail on certain grounds was passed in the year 2016. Now, after nine years, this Court does not want to interfere with the order granting anticipatory bail to Opposite Party Nos. 2 to 4 in exercise of its inherent power.



6. This application is, accordingly, dismissed.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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