

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33758 of 2024

Arising Out of PS. Case No.-987 Year-2022 Thana- BIHAR District- Nalanda

Abhay Kumar Son Of Late Ajeet Prasad Village- Lakharawan, Ps- Deep Nagar, Dist- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mona Kumari Wife Of Mintu Kumar Village- Lakharawan Ps- Deep Nagar, Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Nayan, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-08-2024 This is an application for cancellation of anticipatory bail granted to the Opposite Party No. 2 by this Court vide order dated 06.03.2024 passed in Cr. Misc. No. 83670 of 2023 in connection with Bihar P.S Case No. 987/2022 pending in the Court of learned court concerned, Nalanda at Biharsharif.

2. Learned counsel for the petitioner submitted that the O.P. No. 2 got the privilege of bail with mala fide intention. Learned counsel has further submitted that the petitioner has purchased a piece of land in Mauja Sipoh bearing Thana no. 94, Khata No. 137, Plot No. 72, Area 10.689 decimal through a registered sale deed no. 10883 dated 06.10.2018, after paying consideration amount of Rs. 35,07,000/- from the vendor,



namely, Braham Prasad. But after purchasing the land the informant got mutation in his favour and started to pay revenue to Bihar Government and the same has been paid up to 2022-23. Further, Mintu Kumar and his wife Mona Kumari claiming their right over land in question on the ground that the informant executed sale deed No. 11830 dated 29.08.2022 in favour of Mona Kumari. Thereafter, Mona Kumari under the conspiracy of her husband and others created a false document with view to cheating the petitioner hence offence under Section 420, 467, 468 and 471 is made out against her.

3. Learned A.P.P. for the State has submitted that there is no suppression of material fact by the petitioner. 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)

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