

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47572 of 2024

Arising Out of PS. Case No.-612 Year-2022 Thana- NAUBATPUR District- Patna

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NAVIN KUMAR SON OF SUKHDEO RAY VILLAGE- GADAIPUR, P.S.-
NAUBATPUR, DISTT.- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. ARBIND RAI SON OF RANJEET RAI VILLAGE- GADAIPUR, P.S.-
NAUBATPUR, DISTT.- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Satish Chandra, Advocate Ms. Priti Singh, Advocate Mr. Vivek Raj, Advocate
For the Opposite Party/s :	Mr. Anish Chandra, APP Mr. Sanjay Kumar Pandey no.5, Advocate Ms. Anita Singh, Advocate Mr. Sudhanshu Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 20-12-2024 1. Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the opposite party

no.2.

2. The petitioner has filed the instant application

praying for cancellation of bail granted to the opposite party

no.2 vide order dated 11.10.2023 passed in Cr. Misc. No.64118

of 2023.

3. It is submitted by learned counsel for the petitioner

that the petitioner got bail vide order dated 11.10.2023

suppressing his criminal antecedents. Learned counsel submits

that the opposite party no.2 is accused in four more cases,



details of which have been given in paragraph no.6 and none of them finds mention in the original bail application. It is further submitted that he is a criminal minded person who had obtained bail by suppression of facts. As such the bail granted to the opposite party no.2 be cancelled and he be taken into custody.

4. In response, a show cause has been filed on behalf of the opposite party no.2 sworn by his daughter, stating therein that there has been no intentional suppression of antecedents on behalf of the opposite party no.2 nor were his antecedents taken into consideration while granting bail to the petitioner vide order dated 11.10.2023. It is further submitted that the affidavit in the bail application had been sworn by the *samdhi* (daughter's father in law) of the petitioner who did not have complete information about the antecedents. Learned counsel tenders unqualified apology for the inconvenience caused and for the incorrect statement in describing the antecedents of the petitioner in the petition of Cr.Misc. no.64118 of 2023.

5. Having heard learned counsel for the parties and having perused the material on record, this Court finds that the instant application has been filed for cancellation of bail granted to the petitioner by order dated 11.10.2023 passed in Cr. Misc. no.64118 of 2023 in connection with Naubatpur P.S. Case



no.612 of 2022 registered under section 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently. The operative part of the order is quoted hereinbelow for ready reference:-

“6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR being general and omnibus in nature, the petitioner having remained in custody for more than one year since 19.9.2022 and charges have been framed in the learned trial Court, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 1524 of 2022 (arising out of Naubatpur P.S. Case no. 612 of 2022) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge- VI, Danapur, Patna.”

6. On perusal of the operative part of the order dated 11.10.2023, this Court finds that the grounds for grant of bail was that the petitioner had remained in custody for more than one year since 19.9.2022 and secondly that charges had been framed in the learned trial Court. Evidently, though antecedent of the petitioner has not been accurately stated in paragraph no.3 of the petition for bail, however, while granting bail to the



petitioner, the antecedent of the petitioner was not taken into consideration.

7. In view of the facts and circumstances, the Court finds that the petitioner has not made out a case for cancellation of bail granted to the opposite party no.2 in connection with Naubatpur P.S. Case no.612 of 2022.

8. There is no merit in the instant application. The application is dismissed.

(Partha Sarthy, J)

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