

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59627 of 2023

Arising Out of PS. Case No.-187 Year-2018 Thana- KHUSRUPUR District- Patna

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1. CHANDRA GOPE SON OF BAUDHU GOPE R/O-BAIKATPUR RAJWARA, P.S.-KHUSHRUPUR, DISTT.-PATNA
 2. UPENDRA GOPE SON OF RAM BALAK GOPE R/O-BAIKATPUR RAJWARA, P.S.-KHUSHRUPUR, DISTT.-PATNA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. SHIV SHANKAR PANDEY SON OF SRI SURESH PANDEY R/O-BAIKATPUR RAJWARA, P.S.-KHUSHRUPUR, DISTT.-PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyanka Singh
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-07-2024 Heard Shri Yogesh Chandra Verma, learned counsel
for the petitioners and learned APP for the State.

2. Learned counsel for the petitioner is directed to remove the defects, as pointed out by the Office, during the course of the day.

3. This application has been filed for quashing the order dated 16.12.2020 passed by learned Additional Sessions Judge, I, Patna City in Cr. Misc.(BC) No. 86 of 2019 cancelling the bail granted to the petitioner/s vide order dated 08.02.2019



passed in B.P. No. 120 of 2019 in connection with Khusrupur P.S. Case No. 187 of 2018.

4. The petitioners are accused in a case registered under Section 302/34 of the Indian Penal Code and they were granted regular bail in connection with the present case.

5. Subsequently, the prosecution made some complaint and on the basis of the complaint the bail granted to the petitioners was cancelled on the allegations levelled against the petitioners by the impugned order.

6. It has been submitted by the learned senior counsel for the petitioners that the prosecution has filed Khusrupur P.S. Case No. 268 of 2020 after filing the bail cancellation petition in the Court below.

7. If the prosecution was threatened by the petitioners then their FIR should have been filed much before the bail cancellation application and it appears to the Court that no ground for cancellation of bail is made out except believing the allegation of the prosecution that the petitioner were threatening the prosecution side and because of the cancellation of bail the trial is being hampered.

8. Learned counsel for the O.P. No. 02 submits that the petitioners have threatened the prosecution side and by the



impugned order their bail has been rightly cancelled by the Court below.

9. They have not denied the fact that the Khusrupur P.S. Case No. 268 of 2020 has been filed after the filing of the bail cancellation application.

10. Considered the submission of the parties.

11. The bail granted to the petitioners cannot be cancelled on mere allegation. There should be some supportive material with regard to the allegations that the petitioners were threatening the prosecution side. On mere statement of the prosecution the bail cannot be cancelled.

12. Moreover, because of the cancellation of bail, the petitioners are not participating in the trial and are on the run.

13. In view of the above, I am of the view that the impugned order, cancelling the bail of the petitioners cannot be sustained and the same is hereby set aside.

14. Accordingly, the order dated 16.12.2020 passed by learned Additional Sessions Judge, I, Patna City in Cr. Misc. (BC) No. 86 of 2019 is hereby quashed.

15. The petitioners are directed to furnish fresh bail bonds and participate in the trial and they will not delay the trial.



16. The petitioners will appear in the trial on each and every date either personally or by their lawyer. Any attempt to delay the trial will result in the cancellation of the bail bonds of the petitioners.

17. The trial court is directed to expedite the trial of the petitioners and conclude the same within an year from the date of receipt/communication of a copy of this order.

(Sandeep Kumar, J)

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