

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58735 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- BIBHUTIPUR District- Samastipur

RANJEET PRASAD S/o SHREE RAMESHWAR MAHTO Resident of
village - Birsahiya, P.S. - Bibhutipur, Dist. - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ram Balak Singh Son of Late Ramjivan Singh Resident of village -
Singhiya, Buzurg Tola Shivrathpur, P.S. - Bibhutipur, Distt. - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhav Raj, Adv.
For the Informant	:	Mrs. Vaishnavi Singh, Adv.
		Mr. Purushottam Kumar, Adv.
For the Opposite Party/s :		Mr.Rajendra Singh, APP

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

ORAL ORDER

8 09-02-2024 This is an application for cancellation of bail granted to the Opposite Party No. 2 by this Court vide order dated 20.07.2023 passed in Cr. Misc. No. 42943 of 2023 arising out of Bibhutipur P.S Case No. 69 of 2023 pending in the Court of learned SDJM, Rosera, District- Samastipur.

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 it is a case of double murder. It is further submitted that the OP No. 2 is not merely an order giver. He again ordered to kill the other deceased and not only that he even chased and made attempt to kill the informant.



The opposite party no. 2 is also accused in seven other criminal cases and he is a notorious person and a big political figure having ill reputation.

3. Learned counsel for the OP No. 2 as well as 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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