

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20006 of 2023**

Arising Out of PS. Case No.-195 Year-2020 Thana- NAUBATPUR District- Patna

Vivek Sharma S/O Late Ravi Shankar, Resident of Village- Gopalpur, P.S.-  
Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Amar Singh @ Amar Nath Singh @ Amar Nath S/o Late Sudeshwar  
Sharma, Resident of Village- Gopalpur, P.S.- Naubatpur, District- Patna.

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                                            |
|----------------------|---|--------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Dinu Kumar, Advocate.<br>Mr. Vardan Mangalam, Advocate.<br>Mrs. Ritika Rani, Advocate. |
| For the State        | : | Mrs. Dr. Indihar Kumari, A.P.P.                                                            |
| For the O.P. No.2    | : | Mr. Rajesh Kumar, Advocate.                                                                |

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

7      17-11-2025      1. Heard learned counsel for the petitioner, learned  
A.P.P. for the State and learned counsel for the opposite party  
no.2.

2. The present Cr. Misc. Application has been filed  
for cancellation of regular bail granted to the opposite party no.2  
by the Co-ordinate bench of this Court *vide* order dated  
30.06.2021 passed in Cr. Misc. No.8919 of 2021.

3. Learned counsel for the petitioner submits that vide  
order dated 30.06.2021 passed in Cr. Misc. No.8919 of 2021  
regular bail to the opposite party no.2 was granted on merit with  
conditions. Learned counsel for the petitioner pointed out that



opposite party no.2 had one criminal antecedent i.e. he was accused in Naubatpur P.S. Case No.40 of 2001 dated 24.02.2001 registered under Sections 147, 148, 149, 504, 448, 324 & 307 of Indian Penal Code but he has not disclosed the same before the learned Trial Court or before this Court and concealed the said fact, accordingly, the bail granted to the opposite party no.2 is liable to be cancelled.

4. Learned counsel for the opposite party no.2 submits that the opposite party no.2 has *suo motu* surrendered before the Police on 16.04.2020 and was in judicial custody and he had no knowledge with respect to the said case. He further submits that due to Covid-19 pandemic there was limited functioning of the Court and the opposite party no.2 had no idea about the said case, therefore, had not communicated to his *pairvikar*. Learned counsel submits that opposite party no.2 is cooperating in the trial and he has not concealed any material fact deliberately before the learned Trial Court or before this Court. He further submits that the mistake committed by opposite party no.2 is not *mala-fide* and this Court may condone the mistake, if any, committed by the opposite party no.2.

5. Learned A.P.P. for the State submits that since the bail was granted to the opposite party no.2 with conditions on



merit and the trial is in progress, the learned Trial Court may be directed to conclude the trial expeditiously.

6. Having heard the learned counsel for the parties and considering the explanation given by the learned counsel for the opposite party no.2, in my view, it is not in the interest of justice to cancel the bail granted to the opposite party no.2 at this stage. Accordingly, the present Cr. Misc. Application stands dismissed.

7. The learned Trial Court is directed to take steps for early disposal of the trial in connection with Naubatpur P.S. Case No.195 of 2020.

**(Sunil Dutta Mishra, J)**

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