

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12358 of 2025

Arising Out of PS. Case No.-459 Year-2022 Thana- NAWADA District- Nawada

Kaushal Yadav S/O Late Yugal Kishore Singh Resident of Sakin Prasad
Bigha, P.S.- Nawada, District- Nawada, State- Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satish Kumar son of late Bhuneshwar Singh Resident of Village-Kosumhar, Police Station- Akbarpur, District- Nawada, at present Kunti Enclave Sector-16B, Grater Noida, behind Ajnara Home, Khesra no. 302 Saveri, New Delhi.
3. Shailesh Kumar son of late Bhuneshwar Singh Resident of Village-Kosumhar, Police Station- Akbarpur, District- Nawada, at present Kunti Enclave Sector-16B, Grater Noida, behind Ajnara Home, Khesra no. 302 Saveri, New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Saurav Barial, Adv.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-09-2025 1. Heard learned Senior counsel for the petitioner, Mr. Yogesh Chandra Verma and the learned APP for the State, Mr. Chandra Bhushan Prasad.
2. The learned Senior counsel for the petitioner submits that O.P. Nos. 2 and 3 were granted the privilege of provisional anticipatory bail by an order dated 09.01.2024 in Criminal Miscellaneous No. 58623 of 2023 passed by a learned Co-ordinate Bench. It is submitted that by order dated 09.01.2024 in Criminal Miscellaneous No. 58623 of 2023, the learned Co-ordinate Bench had directed the learned Trial Court



to confirm the provisional bail of the O.P. Nos. 2 and 3 herein after satisfying himself that O.P. Nos. 2 and 3 has paid Rs. 36 Lakhs to the informant within a period of 6 months. It is next submitted that thereafter the O.P. Nos. 2 and 3 herein filed a modification application being Criminal Miscellaneous No. 54173 of 2024 for modifying the order dated 09.01.2024 in Criminal Miscellaneous No. 58623 of 2023. It is submitted that Criminal Miscellaneous No. 54173 of 2024 was disposed of by an order dated 09.08.2024 and the order dated 09.01.2024 in Criminal Miscellaneous No. 58623 of 2023 was modified to the extend that the period of paying the amount of Rs. 36 Lakhs was extended further by six months.

3. The learned Senior counsel for the petitioner submits that in terms of the order dated 09.08.2024 in Criminal Miscellaneous No. 54173 of 2024, the period has lapsed, but then the learned Trial Court till date has not taken a final decision. It is also submitted that since O.P Nos. 2 and 3 herein is on provisional bail and the learned Trial Court is not passing any final order either confirming/not confirming the order of provisional anticipatory bail, as such, the O.P. Nos. 2 and 3 are taking advantage of the said situation. It is next submitted that in such circumstances, the instant cancellation application has been



filed for cancelling the provisional anticipatory bail granted to the O.P. Nos. 2 and 3 herein.

4. The learned APP for the State, Mr. Chandra Bhushan Prasad, submits that since this Court had directed the learned Trial Court to confirm the provisional anticipatory bail granted to the O.P. Nos. 2 and 3 in the event if an amount of Rs. 36 Lakhs is paid within a period of six months and thereafter the order was modified and the period of repaying the amount of Rs. 36 Lakhs was extended by six months, as such, it is for the learned Trial Court to take a final decision whether to confirm or not to confirm the provision anticipatory bail granted to the O.P. Nos. 2 and 3 herein in terms of the aforesaid orders.

5. The learned Senior counsel for the petitioner, at this stage, seeks permission to withdraw the instant cancellation application with liberty to move before the learned Trial Court.

6. Permission is accorded.

7. Accordingly, the cancellation application is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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