

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34486 of 2025

Arising Out of PS. Case No.-475 Year-2021 Thana- COMPLAINT CASE District- Lakhisarai

Nawal Saw S/o Late Banshi Saw R/o R. Lal College Road, Ward No. 24, P.S.-
Lakhisarai, Distt- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalu Kumar S/o Late Chandrika Saw R/o R. Lal Road, Ward No. 24, P.S.
and Distt- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manohar Prasad Singh, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar , APP
For the O. P. No. 2	:	

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 31-10-2025 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State as well as learned

counsel for opposite party no. 2.

2. This application has been filed by the petitioner
for cancellation of anticipatory bail of opposite party no. 2
granted provisionally *vide* order dated 14.12.2024 passed in
Criminal Miscellaneous No. 80951 of 2024 by this Court in
connection with Complaint Case No. 475-C of 2021 dated
07.12.2021, instituted under Sections 406 and 420 of the
Indian Penal Code with certain conditions.

3. Earlier *vide* order dated 20.06.2025, an



explanation was asked from Judicial Magistrate, 1st Class, Lakhisarai, namely, Akansha Kumari, who sent her explanation on 04.07.2025, which was received by this Court.

4. Again *vide* order dated 26.09.2025, the Principal District and Sessions Judge, Lakhisarai, was directed to ascertain as to who has passed order dated 19.01.2025 in connection with Complaint Case No.475-C of 2021 releasing the opposite party no.2 on bail and upon identifying the officer concerned, he be asked to explain as to under what circumstances he has released the opposite party no.2, on regular bail instead of provisional bail, ordered, that too, without complying the directions contained in the order of this Court.

5. The Principal District & Sessions, Lakhisarai, has forwarded the explanation of the Chief Judicial Magistrate, Lakhisarai, who has passed the order dated 26.09.2025. The Chief Judicial Magistrate, Lakhisarai, who was in-charge Court, has informed that the opposite party no.2 was produced from police custody on 19.01.2025, which was Sunday, and he was on remand duty for all the



Magistrates. When the opposite party no.2 was produced from police custody, the order of this Court granting him conditional bail was already on record. The opposite party no.2 submitted before the in-charge Magistrate that he is ready to comply the order of this Court but because it is holiday on account of Sunday he is unable to deposit the bank draft as required and so he was directed to be release on provisional PR bound for five days. It is further submitted that when the opposite party did not comply the order of this Court, his PR bond has been cancelled and non-bailable warrant of arrest has been issued against him.

6. Perusal of the order dated 19.01.2025 shows that there is no mention of releasing the opposite party (petitioner) on provisional PR bond for five days as stated by the Officer concerned. The order simply speaks that the opposite party (petitioner) has been granted bail by this Court and he is ready to comply the directions of this Court and hence, he be released on PR bond of Rs.10,000/-, which is in contrary with the report submitted by the officer concerned. Further, it appears that the bail bond of the opposite party no.2 was cancelled after about four months



from the date he was released on bail.

7. This Court is of the view that the matter needs to be enquired further, however, taking a lenient view in the matter, the officer concerned is directed to be cautious while releasing the accused persons on bail in terms of the direction of this Court.

8. The allegation against opposite party no. 2 is that he had taken money from the complainant (petitioner) and promised to return the same within two-four months but did not return within the stipulated time and also abused the complainant.

9. Learned counsel for opposite party no. 2 at the time of grant of bail submitted that opposite party no. 2 had taken loan of rupees one lakh from the complainant. It was further submitted that from perusal of the solemn affirmation of the complainant, it appears that opposite party no. 2 has returned Rs. 45,000/-(rupees forty five thousand) and he is ready to return the remaining amount i.e., Rs.55,000/- in two installments.

10. Learned counsel for petitioner had opposed the anticipatory bail of the opposite party no.2, however, the



same was allowed subject to payment of Rs. 55,000/- in two installments through demand drafts to the complainant, but till date the aforesaid amount has not been paid by opposite party no. 2 to the complainant/petitioner, which is complete violation of the order of this Court.

11. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the anticipatory bail granted to the opposite party no.2 by this Court *vide* order dated 14.12.2024 passed in Cr. Misc. No.80951 of 2024 is hereby cancelled.

12. Accordingly, this application stands allowed.

13. The Court below shall take appropriate steps in accordance with law.

(Khatim Reza, J)

prabhat/-

U		T	
---	--	---	--

