

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68730 of 2024

Arising Out of PS. Case No.-196 Year-2021 Thana- KEWATI District- Darbhanga

Surendra Yadav @ Suhindra Yadav S/o Late Ram Narayan Yadav R/o Village-
Pathra, P.S.- Keoti, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puneet Kumar Yadav @ Punit Yadav Son of Raj Kumar Yadav R/o Village-
Pathra, P.S.- Keoti, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 08-10-2025 1. Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad, learned A.P.P. for the State.

2. Learned counsel appearing on behalf of the petitioner
submits that the instant cancellation application has been filed
seeking cancellation of the provisional bail granted to the opposite
party no. 2 by the learned District Court by order dated 09.05.2023
in S.T. Case No. 159 of 2023.

3. Learned counsel for the petitioner further submits
that the opposite party no. 2 had moved this Court seeking
anticipatory bail by filing Cr. Misc. No. 72843 of 2022. It is next
submitted that while Cr. Misc. No. 72843 of 2022 was pending
adjudication, the opposite party no. 2 was arrested on 10.01.2023
and thereafter the aforesaid criminal miscellaneous was taken up
and the opposite party no. 2 herein was granted the privilege of



anticipatory bail by the then learned Coordinate Bench of this Court by an order dated 10.02.2023.

4. Learned counsel for the petitioner next submits that since the opposite party no. 2 was taken into custody on 10.01.2023, as such, the aforesaid criminal miscellaneous had become infructuous but without informing the Court, the order dated 10.02.2023 granting anticipatory bail was passed in favour of the opposite party no. 2. It is also submitted that the learned District Court by order dated 09.05.2023 granted the privilege of provisional bail to the opposite party no. 2 with a condition that he should seek modification of the order dated 10.02.2023 in Cr. Misc. No. 72843 of 2022. It was also recorded that depending on the orders passed by this Court, the provisional bail granted to the opposite party no. 2 shall be confirmed or cancelled.

5. Learned counsel for the petitioner submits that the opposite party no. 2 thereafter filed Cr. Misc. No. 71859 of 2023 seeking modification of the order dated 10.02.2023 passed in Cr. Misc. No. 72843 of 2022. In the said case, notices were issued to the petitioner. It is submitted that though notices were issued but petitioner never received the notice and Cr. Misc. No. 71859 of 2023 is still pending adjudication before this Court.

6. Learned counsel for the petitioner further submits that during pendency of Cr. Misc. No. 71859 of 2023, the instant



cancellation application has been filed seeking cancellation of the provisional bail granted to the opposite party no. 2 by the learned District Court.

7. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State vehemently opposes the instant cancellation application of the petitioner and submits that the same is misconceived for the reason that if Cr. Misc. No. 71859 of 2023 is allowed, the provisional bail granted to the opposite party no. 2 herein shall be confirmed but if Cr. Misc. No. 71859 of 2023 is dismissed in that event automatically the provisional bail granted to the opposite party no. 2 herein shall be cancelled. Learned A.P.P. further submits that the petitioner instead of pursuing the instant case ought to have appeared in Cr. Misc. No. 71859 of 2023.

8. Learned counsel for the petitioner at this stage seeks permission to withdraw the instant cancellation application.

9. Permission is accorded.

10. Accordingly, the instant cancellation application is dismissed as withdrawn.

(Satyavrat Verma, J)

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