

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74161 of 2023

Arising Out of PS. Case No.-741 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Nagina Prasad W/O Laxman Prasad Village- Baniyapatti, Ps.K. Nagar, Dist.
Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dayanand Mahto S/O Late Suryanand Mahto Village- Baniyapatti, Ps. K.
Nagar, Dist. Purnea, Pin Code-854304
3. Jai Prakash Mahto S/O Late Suryanand Mahto Village- Baniyapatti, Ps. K.
Nagar, Dist. Purnea, Pin Code-854304
4. Parmanand Mahto S/O Late Suryanand Mahto Village- Baniyapatti, Ps. K.
Nagar, Dist. Purnea, Pin Code-854304

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2025 Heard Mr. Bhola Prasad, learned counsel for the

petitioner and Mr. Uday Chand Prasad, learned A.P.P. for the

State.

2. The present application has been filed for
cancellation of bail granted to the Opposite Party Nos. 2 to 4
vide order dated 20.12.2022 passed by the learned Judicial
Magistrate 1st Class, Purnea and the same has been affirmed
vide order dated 14.06.2023 passed in Cr. Misc. Petition Case
No. 15 of 2023 by learned District and Sessions Judge, Purnea
in connection with C.A. Case No. 741 of 2021 registered for



offence under Sections 341, 323 and 384 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the Opposite Party Nos. 2 to 4 have been granted bail by misrepresentation of facts. The Opposite Party Nos. 2 to 4 have moved for grant of anticipatory bail vide A.B.P. No. 1499 of 2022 but the same was rejected vide order dated 01.12.2022 and the Opposite Party Nos. 2 to 4 have been directed to surrender before the learned Court below within fortnight and seek regular bail and if they do so, the learned Court below shall consider the prayer of bail of the Opposite Party Nos. 2 to 4 on its own merit without being prejudice by this order. He further submits that in fact, the Opposite Party Nos. 2 to 4 have been granted liberty vide order dated 01.12.2022 and they have surrendered on 20.12.2022. Thereafter, the petitioner has approached before the learned District and Sessions Judge, Purnia in Cr. Misc. Petition Case No. 15 of 2023 but the same was rejected vide order dated 14.06.2023 and the petitioner has assailed the same in the present application.

4. Learned counsel for the petitioner submits that the Opposite Party Nos. 2 to 4 have ignored the direction of the Court as they were directed to surrender within fortnight but



they have surrendered on 20.12.2022 which was after the period prescribed by the learned District and Sessions Judge, Purnia in A.B.P. No. 1499 of 2022 as the period was expired on 16.12.2022.

5. In view of the aforesaid, no case is made out for interference of this Court.

6. Accordingly, the present application stands dismissed.

(Rajesh Kumar Verma, J)

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