

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69482 of 2023

Arising Out of PS. Case No.-1913 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Upendra Mistry S/o Late Hari Mistry, R/o Mohalla- Ida Gali, Daruara, P.O-
Daruara, P.S- Noorsarai, Distt.- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri Bhagwan Mahto S/o Late Jugat Mahto @ Jugat Mahto, R/o Village and
P.O- Bauriya, P.S- Gopalpur, Distt.- Patna, Bihar.
3. Sri Naresh Kumar S/o Sri Bhagwan Mahto, R/o Village and P.O- Bauriya,
P.S- Gopalpur, Distt.- Patna, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary, Advocate.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-11-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The present Cr. Misc. Application has been filed
for cancellation of anticipatory bail granted to the opposite party
nos.2 & 3 by the learned Additional District and Sessions Judge-
IV, Patna *vide* order dated 14.06.2023 passed in A.B.P. No.9329
of 2022.

3. Learned counsel for the petitioner submits that the
petitioner had filed the complaint case and the learned Court
concerned had taken cognizance *vide* order dated 14.01.2020
against the accused persons i.e. opposite party nos.2 & 3. He



further submits that the opposite party nos.2 & 3 have grabbed huge amount of petitioner by playing fraud and despite this fact, the learned Additional District and Sessions Judge-IV, Patna had granted anticipatory bail, therefore, the anticipatory bail granted by the learned Court concerned to the opposite party nos.2 & 3 may be cancelled.

4. Learned A.P.P. for the State submits that the learned Court concerned after considering all the materials available on record granted anticipatory bail to the opposite party nos.2 & 3 on merit and there is no good ground to cancel the bail granted to opposite party nos.2 & 3 at this stage.

5. From perusal of the impugned order it appears that the learned Court concerned has granted anticipatory bail on merit of the case after considering the materials on record and facts and circumstances of the case.

6. Law is well settled that cancellation of bail is distinct from revocation of an order granting bail. The order of anticipatory bail granted to opposite party nos. 2 & 3 is not unjustified or illegal or perverse which requires interference by this Court.

7. Having heard the learned counsel for the parties and considering the materials available on record, in my



considered opinion, no case is made out for cancellation of bail granted to the opposite party nos.2 & 3 vide order dated 14.06.2023. Accordingly, the present Cr. Misc. Application stands dismissed.

(Sunil Dutta Mishra, J)

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