

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80110 of 2024

Arising Out of PS. Case No.-303 Year-2022 Thana- AGAMKUAN District- Patna

Vivek Raj Son of Arun Kumar Singh R/-Mohalla - Nawal Kishore Road, Vivek Vihar High School, Kadamkuan, P.S.- Kadamkuan District- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Priti Kumari Wife of Kumar Vikram Resident of 2L/81, Bahadurpur Housing Colony, P.S.- Agamkuan, Distt.- Patna

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Kumar Rishikesh Chanchal, Advocate
For the Opposite Party/s :	Mr.Jitendra Kumar Singh, APP
	Mr.Vijay Shankar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 24-04-2025

Heard Mr. Kumar Rishikesh Chanchal, learned counsel for the petitioner and Mr. Vijay Shankar Srivastava, learned counsel for the opposite party no. 2.

2. The present petition preferred under Section 482 of the Code of Criminal Procedure (in short the 'Cr.P.C.') as to quash/set-aside the order dated 28.02.2024 passed by learned Additional District & Sessions Judge – 1st, Patna City, in connection with Agamkuan P.S. Case No. 303/2022, registered for the offence under section 406, 420, 465, 467 and 471/34 of the I.P.C. and Section 138 of the Negotiable Instrument Act, whereby and whereunder learned court has



cancelled the bail of the petitioner, which was earlier allowed vide B.P. No. 1084/2022 dated 16.09.2022.

3. It is submitted by Mr. Kumar Rishikesh Chanchal, learned counsel appearing for the petitioner that condition imposed by the learned trial court while granting bail to the petitioner was onerous and not sustainable in the eyes of law in view of the legal report of Hon'ble Supreme Court as available through **Sumit Mehta Vs. State (NCT of Delhi)** reported in **(2013) 15 SCC 570**, and, therefore, it is fit to be quashed/set-aside.

4. Mr. Vijay Shankar Srivastava, learned counsel appearing for the opposite party no. 2 submitted that condition was imposed on the basis of undertaking and submission of the petitioner and after obtaining the bail, petitioner stopped to honour his own undertaking and submission as given before the learned trial court while obtaining bail through B.P. No. 1084/2022 dated 16.09.2022, arising out of Agamkuan P.S. Case No. 303 of 2022.

5. It appears that when petitioner stopped payment in



view of his own undertaking, bis bail bond was cancelled on 28th February, 2024.

6. At this stage, it is pointed out by learned counsel for the O.P. No.2 that petitioner is absconding since last one year.

7. In view of the aforesaid, it appears *prima-facie* that petitioner made false statement before learned trial court while making submissions in B.P. No. 1084/2022, as discussed aforesaid and till date he is also absconding.

8. Considering the aforesaid, the present petition devoid of any merit. The same stands dismissed.

(Chandra Shekhar Jha, J)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2025
Transmission Date	24.04.2025

