

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83147 of 2023

Arising Out of PS. Case No.-302 Year-2018 Thana- SAHPUR District- Bhojpur

Sunil Mishra @ Sunil Kumar Mishra Son Of Shriman Narayana Mishra
Resident Of Village- Sonbarsa, Police Station- Sahpur, District- Bhojpur
(Ara)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kishun Mishra Son Of Shdivajeet Mishra Resident Of Village- Sonbarsa,
Police Station- Sahpur, District- Bhojpur (Ara)

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2025 Heard Mr. Sanjay Kumar Tiwary, learned counsel for

the petitioner as well as learned counsel for the Opposite Party

No. 2 and Mr. Uday Chand Prasad, learned Additional Public

Prosecutor for the State.

2. The present application has been filed for
cancellation of bail of the Opposite Party No. 2 (order dated
27.09.2023) passed by the learned District & Sessions Judge,
Bhojpur, Ara in B.P. No. 5223 of 2023 in connection with
Shahpur P.S. Case No. 302 of 2018 registered for the offences
under Sections 302, 120B and 34 of the Indian Penal Code and
Section 27 of the Arms Act, by which the learned Court of the
District & Sessions Judge has been pleased to grant the bail to



O.P. No. 2, namely, Kishun Mishra.

3. Learned counsel for the petitioner has filed the present application for cancellation of the bail bond of Opposite Party No. 2 on the ground that Opposite Party No. 2 is absconding in several criminal cases and the police has kept a reward of Rs. 50,000/- (Rs. Fifty Thousand) to arrest the Opposite Party No. 2. Pursuant to the aforesaid, the Opposite Party No. 2 has surrendered before the learned Court below and taken the regular bail concealing the criminal antecedent of the Opposite Party No. 2.

4. Learned counsel for the Opposite Party No. 2 has vehemently opposed the prayer for cancellation of bail of the Opposite Party No. 2 and submits that earlier the father of the present petitioner has filed the Cr. Misc. No. 50164 of 2019 for cancellation of bail of the co-accused person, namely, Raj Kishore Pal and the same was heard by a Co-ordinate Bench of this Court and the same was permitted to be withdrawn with a liberty to file a detailed application for cancellation of bail before the concerned Court below. In the present case, the petitioner who happens to be the son of the informant has moved this application for cancellation of bail bond of the O.P. No. 2. It appears from the entire pleadings that the petitioner has



not approached the learned Court below for cancellation of bail bond of O.P. No. 2.

5. In view of the aforesaid, the present application is disposed of with the liberty to the petitioner to firstly approach before the learned Court below for cancellation of bail bond of O.P. No. 2.

6. With the aforesaid liberty, the present application is disposed of.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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