

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56871 of 2024

Arising Out of PS. Case No.-459 Year-2023 Thana- NOORSARAI District- Nalanda

Shyamkuri Devi wife of Sri Nawal Prasad Village- Ratanpura Po- Daruara Ps-
Noorsarai Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raushan Patel son of Ram Naresh Prasad Village- Ratanpura Po- Daruara
Ps- Npprsarao Dost- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Kumar, Advocate
For the State	:	Mr. Arun Kumar Pandey, APP
For the O.P. No.2	:	Mr. Rakesh Ambastha, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 29-01-2026 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel appearing for opposite party

no. 2.

2. The present application is for cancellation of
regular bail granted to the opposite party no. 2 by an order dated
08.07.2024 passed by the Court of the learned Sessions Judge
Nalanda at Biharsharif in regular bail application no. 509 of
2024, arising out of Noorsarai P.S. Case No.459 of 2023.

3. Learned counsel for the petitioner has not raised
any grounds of violation of the bail order or misuse of the bail
order but has assailed the said order on the ground that the
regular bail application of similarly situated co-accused Mukesh



Kumar was rejected up to the High Court vide Annexure-P/3 and yet the Court of the learned Sessions Judge proceeded to grant bail to the opposite party no. 2 on erroneous consideration of facts and circumstances. It has also been argued that the conduct of the opposite party no. 2 of withdrawing his earlier bail application on 01.05.2024 from the Court of the learned Additional District and Sessions Judge-VII, Biharsharif at Nalanda in regular bail application no. 486 of 2024 and filing another bail application only after two days of such withdrawal i.e., on 03.05.2024, as stated in paragraph-9 of his present petition is also to be viewed with seriousness and deprecated.

4. Learned counsel appearing for the opposite party no. 2 defends the order granting bail to the opposite party no. 2 on the ground that the case of the petitioner is not exactly on similar footing inasmuch as, in the First Information Report there is a specific allegation that it was co-accused Mukesh Kumar, who had taken away the jewellery and cash and it is also a fact which has been taken into consideration by the order dated 08.07.2024 that the co-accused Mukesh Kumar is the nephew of the husband of the informant and there is a dispute with regard to land between the parties. It has also been submitted that there is no concealment of the fact that the earlier



bail application was dismissed as withdrawn and the opposite party no. 2 having no criminal antecedent is also one of the considerations.

5. Upon perusal of the document on record, this Court finds that the case of the opposite party no. 2 is almost similar to that of co-accused Mukesh Kumar and this Court also takes judicial notice of the conduct of the opposite party no. 2 of withdrawing the application from one court and filing the same after two days, which is taken up by a different court and such conduct of the opposite party no. 2 is strongly deprecated.

6. However, a report with regard to stage of the trial had earlier been called for and the same has been received indicating that the stage of the case has now advanced and the examination of witnesses is going on and it has also been informed by the counsels that only the official witnesses being Doctor and the Investigating Officer is now remaining to be examined.

7. Taking the entire conspectus of the case into consideration and with a view to striking a balance upon the various factors to be considered for the purposes of cancellation of bail, this Court is of the opinion that the order granting bail has at least imposed stringent condition on the opposite party



no. 2 which appears to be complied as no misuse or violation of the condition of bail has been pleaded. In such view of the matter, considering the advanced stage of the case where only the official witnesses remained to be examined, this Court would not interfere with the liberty already granted to the opposite party no. 2 by an order dated 08.07.2024, but nevertheless would direct the Court of learned District and Additional Sessions Judge-III, Nalanda, Bihar Sharif, in seisin of the matter to conclude the trial, preferably, within a period of three months.

8. With such observations, the present application stands disposed of.

(Soni Shrivastava, J)

anand/-

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