

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74441 of 2025

Arising Out of PS. Case No.-239 Year-2021 Thana- BARAULI District- Gopalganj

Vijay Kumar Kushwaha Son of Late Jitendra Bhagat R/O Village- Rupan
Chhap, P.S.- Barauli, Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Birendra Yadav @ Virendra Yadav (M) aged about _ years, S/o Ram Ashish Chaudhary @ Ramshi Chaudhary, R/o Village Rupan Chhap , P.S. Barauli, District Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Murari, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, APP
For the O.P. No. 2	:	Mr. Kamala Kant Tiwary, Advocate
		Mr. Bhuneshwar Pandey, Advocate
		Mr. Lal Babu Keshari, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-02-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Opposite Party No. 2.

2. Learned counsel for the petitioner submits that an inadvertent spelling mistake has occurred in paragraph No. 1 of the bail petition. As such, he seeks permission to correct the same in the course of the day.

3. Permission, as prayed for, is granted.

4. The present bail application has been filed for cancellation of bail order dated 18.10.2022 passed in Cr. Misc. No. 34801 of 2022 in connection Barauli P.S. Case No. 239 of 2021 under Sections 302, 201 & 34 of the Indian Penal Code, pending before the Court of A.D.J.-XII, Gopalganj.



5. Learned counsel for the petitioner submits that for cancellation of bail, the petitioner has moved before the Hon'ble Supreme Court of India by filing Special Leave to Appeal (Crl.) No(s). 10051 of 2023, wherein vide order dated 11.11.2024, liberty was granted to the petitioner to apply before the High Court for cancellation of the bail granted to the second respondent. He further submits that Opposite Party No. 2 has made suppression in the arguments and by virtue of such suppression, obtained bail from this Hon'ble Court. He further submits that there were three criminal cases pending against Opposite Party No. 2, whereas he has narrated only two cases. He therefore submits that the bail be cancelled.

6. Learned counsel for Opposite Party No. 2 submits that it is true that the petitioner has moved before the Hon'ble Supreme Court of India. Before the Hon'ble Supreme Court of India, the petitioner contended that the conditions of bail were breached, and for this reason, the Hon'ble Supreme Court of India granted liberty to the petitioner to move before the High Court for cancellation of the bail granted to Opposite Party No. 2. He further submits that three conditions were imposed upon Opposite Party No. 2 at the time of granting bail. He further submits that even after furnishing the bail bond, Opposite Party



No. 2 has not violated any of the conditions mentioned in the order dated 18.10.2022 passed in Cr. Misc. No. 34801 of 2022.

7. Learned counsel for the State opposes the prayer for bail and submits that from the materials on record it transpires that breach of the conditions of the bail order has not been made.

8. Upon a specific query put by this Court to the learned counsel for the petitioner as to which condition of bail has been violated, he submits in response that it is not a breach of any condition, rather suppression has been made in the submissions.

9. In light of the observations made by the Hon'ble Supreme Court of India and upon the submissions made, it transpires that there is no violation of the conditions on which bail was granted. This Court refrains itself from passing any order.

10. Accordingly, the present application for cancellation of bail stands rejected.

(Dr. Anshuman, J.)

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