

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79333 of 2024

Arising Out of PS. Case No.-1504 Year-2023 Thana- PHULWARISHARIF District- Patna

Ashish Kumar Son of Late Ravish Kumar Sinha Mohalla- Prem Niketan P.O.- Anisabad, P.S.- Gardanibagh, Phulwari, Dist.- Patna, Bihar. Pin- 800002, also, Permanent Resident of Prem Niketan, P.O. Anisabad, Phulwari, District- Patna, Bihar- 800002

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjeev Kumar Son of Late Kameshwar Prasad R/O Vill.- Mobarakpur, P.O.- Kharthwa, P.S.- Harnaut, Dist.- Nalanda, Pin- 803110, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Shankar Pandey, Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 12-01-2026 Heard learned counsel for the petitioner and learned
APP of the State.

2. The petitioner has filed the present application seeking cancellation of anticipatory bail granted to opposite party no. 2 by the learned Addl. District and Sessions Judg-VIII, Patna vide order dated 13.09.2024 in A.B.P. No.2228 of 2024.

3. Upon perusal of the petition, the instant application for cancellation of anticipatory bail has been filed primarily on the ground of a reasonable apprehension of witnesses being tampered and the likelihood of commission of similar nature of crime, as has been urged by the petitioner.

4. The bail already granted to opposite party No. 2



cannot be cancelled on the mere basis of vague apprehension. Moreover, the other ground raised on behalf of the petitioner is that the bail was granted on extraneous considerations is also fit to be rejected, inasmuch as the order passed by the learned court concerned is based on substantial reasons. The said order clearly records that the opposite party No. 2 is merely a purchaser of the plot in question, which was sold to him by the younger brother of the petitioner and that there exists a well-recognized presumption of *bona fide* belief on the part of a purchaser arising out of a duly registered transaction of land.

5. The learned court concerned has taken into consideration the fact that opposite party No. 2 was merely a vendee of the land and that the transaction had taken place between private parties. The court has also considered that no cogent legal evidence was collected during the course of investigation so as to establish the complicity of opposite party No. 2 in the alleged offence.

6. The Court concerned has also carefully put the conditions which involves co-operation in the investigation and also being present physically on each and every date in the learned trial Court till the hearing or framing of charge.

7. In such background of the facts and considering



well reasoned order of the learned Court concerned granting anticipatory bail to the opposite party no.2, this Court is not inclined to interfere with the impugned order.

8. However, it goes without saying that in case of any supervening circumstances, the petitioner would always have liberty to move for cancellation of bail seeking the relief.

9. Accordingly, the application is dismissed.

(Soni Shrivastava, J)

Harsh/-

U		T	
---	--	---	--

