

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39023 of 2012

1. The State Of Bihar Through Senior Superintendent Of Police, Patna

.... Petitioner/s

Versus

1. Gorakh Bind S/O Late Adalat Bind

.... Opposite Party/s

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

3 31-10-2012

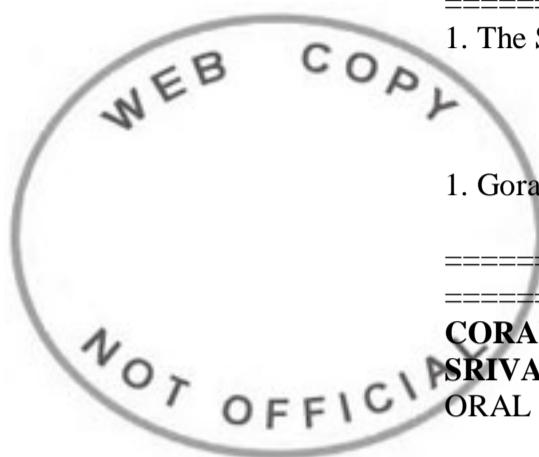
Heard learned Additional Public Prosecutor for the

State and perused the record.

This petition has been filed on behalf of the State for cancellation of bail granted to opposite party, namely, Gorakh Bind in Dhanarua P.S. Case No. 337 of 2010 vide order dated 09.08.2011 passed in Cr. Misc. No. 24330 of 2011.

The submission on behalf of the State is that after being released from jail opposite party committed similar type of offence for which two cases were registered against him. It is pointed out by him that in one case process under Sections 82 and 83 of Cr.P.C. have already been issued against the petitioner whereas in other case charge sheet has already been submitted against him.

In course of hearing, learned Additional Public Prosecutor fairly conceded this fact that both the above stated



cases were registered against unknown person and in course of investigation the name of opposite party surfaced. No doubt, after grant of bail in Dhanarua P.S. Case No. 337 of 2010, the opposite party, namely, Gorakh Bind has been made accused in two cases but admittedly, both the above stated two cases were registered against unknown person and, therefore, in my view, institution of two cases against the opposite party subsequently to institution of Dhanarua P.S. Case No. 337 of 2010 is not a proper ground to cancel the bail of opposite party granted in Dhanarua P.S. Case No. 337 of 2010 because in Dhanarua P.S. Case No. 337 of 2010 nothing had been recovered from conscious possession of opposite party nor he was named in the aforesaid case.

Therefore, on the basis of aforesaid discussions, I do not find any substance in this petition and accordingly, this petition stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

SHAHZAD/-