

(2025:JHHC:31406)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.802 of 2025

Rajesh Sinha, aged about 55 years, Son of Late Arjun Prasad,
resident of Veenapani Apartment, Vasant Vihar, Harmu, P.O.-
Doranda, P.S.-Argora, Dist.-Ranchi, Jharkhand.

... Petitioner

Versus

1. The State of Jharkhand
2. Rashish Chandra, Son of Late Dinesh Prasad, Resident of New
Bank Colony, Ranchi-Patna Road, Hazaribagh, P.O.-Hazaribagh,
P.S.-Sadar, Dist.-Hazaribagh.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Jitendra Tripathi, Advocate
For the State	: Ms. Vandana Bharti, Addl.P.P.
For the OP 2	: Mr. Sumir Prasad, Advocate

Order No:-05 Dated:-10-10-2025

Heard the parties.

This Cr.M.P. has been filed invoking the jurisdiction of this Court under Section 483(3) of the B.N.S.S., 2023 for cancellation of bail granted to the opposite party no.2 in terms of the order dated 18.07.2017 passed by this Court in A.B.A. No.3369 of 2017.

Learned counsel for the petitioner submits that the opposite party no.2 was given the privilege of anticipatory bail with condition that if the informant's company intimates the petitioner in writing of its consent of sharing the super built up area as per Scheduled-A and B of the said supplementary agreement dated 04.03.2014, the petitioner will execute a registered power of attorney in favor of the informant on the same terms and conditions as was in the earlier power of attorney dated 04.03.2014 and the petitioner will not obstruct the construction of the said project and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Learned counsel for the petitioner next submits that the opposite party no.2 by misleading and cheating has obtained the privilege of anticipatory bail. It is next submitted that the opposite party no.2 has

intentionally violated the direction of this Court and did not execute the power of attorney as directed by this Court in terms of the said order, hence, it is lastly submitted that the anticipatory bail granted to the opposite party no.2 be cancelled.

Learned Addl.P.P. and the learned counsel for the opposite party no.2 on the other hand vehemently oppose the prayer and submits that the opposite party no.2 has already executed a registered power of attorney in favor of the informant on the same terms and conditions as was in the earlier power of attorney dated 04.03.2014 and the petitioner has not come to court with clean hands has made false statement in the petition to the effect that the opposite party no.2 has not executed the power of attorney.

Learned counsel for the opposite party no.2 on the other hand submits that by drawing attention of this Court to Annexure-B of the Counter Affidavit, that the same is the copy of the registered power of attorney dated 04.09.2019, hence, it is submitted that this Cr.M.P., being without any merit be dismissed.

Having heard the rival submissions made at the bar and after carefully going through the materials available in the record, it is crystal clear that in view of the counter affidavit, the opposite party no.2 has already executed a registered power of attorney, therefore, this Court is of the considered view that there is no justifiable reason to cancel the bail granted to the opposite party no.2 in terms of the order dated 18.07.2017 passed by this Court in A.B.A. No.3369 of 2017.

Accordingly, this Cr.M.P., being without any merit is dismissed.

(Anil Kumar Choudhary, J.)