

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14724 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -HABIBPUR District- BHAGALPUR

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1. Chandan Kumar
2. Kundan Kumar Both sons of Kali Charan Tanti resident of village-
Marufchak P.S. Habibpur, Dist- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Adv.

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-03-2016 Heard Mr. Viveka Nand Vivek, learned counsel for the

petitioner.

It is submitted by learned counsel for the petitioner that

he has no instruction.

Petitioners Chandan Kumar and Kundan Kumar were

granted provisional anticipatory bail for six weeks vide order
dated 10.04.2015 in connection with Habibpur P.S. Case No. 03 of
2015 on the basis of submission made in paragraph no. 8 of the
petition that no injury was caused to the informant which reads as
follows:-

*“That there is no specific allegation against the
petitioners whereas omnibus allegation. FIR was
registered after delay of twenty days which makes
the case doubtful and suspicious. Moreover no
injuries have been caused to him.”*



The provisional bail was to confirm by learned court below on verification of the fact that no injury was actually caused to the informant. During hearing the bail application of co-accused it was found that injury was caused to the informant when vide order dated 11.01.2016 notices were issued to the petitioners as well as the deponent Babita Devi who swore the affidavit of the initial bail application on behalf of the petitioners.

The office note dated 01.03.2016 reflects that notices with regard to petitioners and deponent Babita Devi have been received by Babita Devi who is the mother of the petitioners but none have entered appearance till date. Hence, the notices issued to petitioners and to the deponent deemed to be validly served.

Report of learned Sub Judge-XIII cum ACJM-XII, Bhagalpur reflects that the provisional bail of the petitioners has not been confirmed and the period of provisional anticipatory bail has expired. Moreover, the informant has received stab injury on the abdomen, though, the injury has been found to be simple in nature.

In view of the above fact, the order dated 10.04.2015, whereby the petitioners were granted provisional anticipatory bail is hereby rescinded.

Let the learned court below issue non-bailable warrant

of arrest against the petitioners andailable warrant of arrest against deponent Babita Devi since she is a lady.

Let the S.P., Bhagalpur get the warrants executed.... forthwith.

Learned court below will consider the prayer for bail of the petitioners on merits including the conduct of not appearing after service of notice.

Learned court below will grant provisional bail to deponent Babita Devi for a period of four weeks on adequate surety enabling her to file show cause before this Court for making false statement before this Court on affidavit.

Let the learned court below transmit a report on production of petitioners and the deponent.

Put up this matter on receipt of the show cause of the deponent Babita Devi.

Let the order be transmitted to the S.P., Bhagalpur as well the learned court below.

(Dinesh Kumar Singh, J)

Amrendra/-

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