

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11768 of 2013

Arising Out of PS.Case No. -450 Year- 2011 Thana -COMPLAINT CASE District- -

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Jitendra Kumar Sinha

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Sanjay Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

4 14-05-2015 Heard the learned counsel for the petitioner and the learned
counsel appearing on behalf of Opposite Party No.2 and 3.

This application filed under Section 482 Cr.P.C. for quashing the revision order dated 7.2.2013 passed in Criminal Revision No.39 of 2012 by Sessions Judge, Jamui whereby the Cr. revision was dismissed and the order dated 28.05.2012 passed in petition for cancellation of bail of revisionist-opposite parties in Complaint case No.450 (C) / 2011 was upheld.

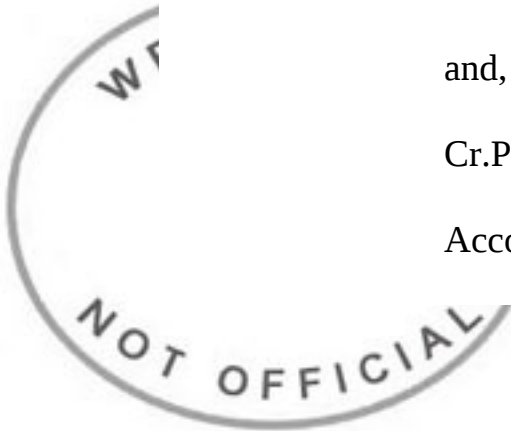
The learned counsel for the petitioner submitted that by order dated 28.05.2012, the Court below only call for a report from the police officer. But the revisional Court while setting aside that order has observed that the application filed by the petitioners for cancellation of bail application is frivolous or that the allegation made by the petitioners in the application is not

reliable. According to the learned counsel, the revisional Court could not have made such observation regarding the merit of the case made in the application for cancellation of bail.

On the other hand, the learned counsel appearing on behalf of the opposite party No.2 and 3 submitted that the Court below has not observed on the merit of the complaint case and the observation which has been made is with respect to the allegation made an application for cancellation of bail.

Perused the order passed by the trial Court as well as the order passed by the revisional Court. It appears that revisional Court while allowing the revision application has examined the correctness or otherwise of the allegation made in the application for cancellation of bail. The revisional Court also held that only on the basis of a Sanha entry, the bail cannot be cancelled. Therefore, in my opinion, these observations are with respect to the allegation made in the application for cancellation of bail. However, it is made clear that these observations shall not be considered by the trial Court at the time of hearing of the complaint case finally. In other words, these observations made in the revisional order while disposing of the application for cancellation of bail will not affect the case of any party in the complaint case. So far the merit of this Cr. Misc. application is

concerned, in my opinion, the learned revisional Court has rightly observed that no ground has been made for cancellation of bail and, therefore, in exercise of jurisdiction under Section 482 Cr.P.C., I do not find any reason to interfere with the order. Accordingly, this Cr. Misc. application is dismissed.



(Mungeshwar Sahoo, J)

Sanjeev/-

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