

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47136 of 2013

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1. The State Of Bihar through Superintendent Of Police, Bhojpur (Arah)

.... Petitioner/s

Versus

1. Om Prakash Mishra Son Of Shivrindan Mishra R/O Village-Sonbarsa,
P.S.-Shahpur (Karnamapur), District-Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mishra

For the Opposite Party/s None.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

07/ 08.07.2015

Heard learned counsel for the petitioner. No one appears on behalf of the opposite party as it would appear from the service report that opposite party has been lodged in jail in connection with other case.

This petition has been filed on behalf of the State for cancellation of bail granted to opposite party by this court vide order dated 22.08.2012 passed in Cr. Misc. no. 30809/2012 in connection with Shahpur P.S. Case no. 23/2011 corresponding to Sessions Trial no. 367/2011 on the ground that after being released from jail custody, opposite party threatened the prosecution witnesses of the aforesaid case for which informant of the above stated case gave a petition to the Officer-in-charge of Shahpur police station on 13.2.2013 but before police took any action on the above stated petition, opposite party and his associates committed murder of brother of the informant for which Shahpur P.S. Case no. 63/2013 was registered against opposite party and others.

In my view, State of Bihar or the informant should file a petition for cancellation of bail granted to opposite party before trial court where Shahpur P.S. Case no. 23/2011 corresponding to Sessions Trial no. 367/2011 is pending and if the State or the informant does so, the trial court shall pass appropriate order on the petition for cancellation of bail in accordance with law within one month from the date of filing of cancellation petition.

This petition stands disposed of with the above stated observation.

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(Hemant Kumar Srivastava,J)

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