

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 40422 of 2014

Arising out of P.S. Case No. -72 Year- 2014 Thana -

PARSAUNI District- SITAMARHI

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1. Ram Babu Patel Son of Bindeshwar Rai.
 2. Ranju Devi Wife of Ram Babu Patel.
 3. Sonu @ Abhimanyu Kumar Son of Ram Babu Patel All Resident of Village- Andahara, P.S.- Parsauni, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. Basant Rai Son of Chandeshwar Rai Resident of village- Andahara, P.S.- Parsauni, District- Sitamarhi... Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Opposite Party/s : Ms. Asha Kumari, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

The Petitioners seek quashing of the entire proceeding including the order dated 03.09.2014 passed by the Sessions Judge, Sitarmarhi in Cr. Misc. No. 17 of 2014 by which he has cancelled the bail granted to the Petitioners in Parsauni P.S. Case No. 72 of 2014.

The brief facts of the case is that on 31.05.2014 an occurrence took place in which the Petitioners were accused for having assaulted Shivajee Rai. A FIR was instituted in this regard on 02.06.2014. During treatment the deceased died in PMCH on 04.06.2014. Police sent a requisition to add Section 302 IPC in the First Information Report. The same was added on 18.06.2014. In the meanwhile, the Petitioners filed an application for anticipatory bail on 16.06.2014 which was granted on 16.06.2014 i.e. Section 302 IPC was added.

The Petitioners' bail was cancelled on

03.09.2014 by the Sessions Judge on the ground of suppression of the fact that the deceased had subsequently died. Submission is that evidently the reason for cancellation of bail was not tenable nor in regard to tampering of evidence.

On the other hand, Counsel for the Informant submits that the cancellation of bail of the Petitioners is fully justified.

Having gone through the documents annexed herein, I am inclined to agree with the submission of the Petitioners.

Hence, the order dated 03.09.2014 passed by the Sessions Judge, Sitarmarhi in Cr. Misc. No. 17 of 2014 by which he has cancelled the bail granted to the Petitioners in Parsauni P.S. Case No. 72 of 2014 is, hereby, set aside.

The application stands allowed.

However, it is made clear that if at all the Informant ever feels that the Petitioners are trying to tamper with evidence he shall file an application before the concerned authorities who shall hold an inquiry into the matter and thereafter submit a report in this regard to the Court for proper action.

(Anjana Prakash, J.)

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