

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27375 of 2014

Arising Out of PS.Case No. -24 Year- 2013 Thana -GADHPURA District- BEGUSARAI

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Hare Narayan Sharma, Son of Late Govind Sharma Resident of
Village+P.O.-Ramchandrapur, P.S.-Piparia, District-Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Arbind Singh, Son of Basudeo Singh, Resident of Village-Garhpura,
P.S.-Garhpura, District-Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the Opposite Party No.1: Mr. Zainul Abedin (APP)

For the Opposite Party No. 2: Mr. Ram Naresh Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

8 18-03-2015 Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned Additional Public
Prosecutor for the State.

This application has been filed for cancellation of bail
granted to O.P. No. 2, Arbind Singh, by the Court of the Sessions
Judge, Begusarai on 29.05.2014 in Sessions Trial No. 245 of 2014
arising out of Garhpura P.S. Case No. 24 of 2013 registered under
Sections 498(A), 315, 304(B) and 120(B) of the Indian Penal
Code.

Learned counsel for the petitioner submits that prayer
for bail of the opposite party no. 2 was earlier refused on merit by



this court on 24.02.2014 vide Criminal Miscellaneous Case No. 31763 of 2013. Thereafter, opposite party no. 2 filed application for bail in Sessions Trial No. 245 of 2014 arising out of Garhpura P.S. Case No. 24 of 2013, which was allowed by the Sessions Judge, Begusarai on the basis of report of the jail Doctor, showing irregular pulse rate and blood pressure on 29.05.2014 just after 3 months five days of rejection of the prayer of bail by this Court. It is further submitted that Santosh Kumar “Suman”, son of the O.P. No. 2 and husband of the deceased is still absconding inspite of execution of process issued under Section 82 & 83 of the Cr.P.C.

On the other hand, learned counsel appearing for O.P. No. 2 opposes the prayer for cancellation of bail and submitted that the learned Sessions Judge has granted the bail to the O.P. No. 2 on the medical ground and the O.P. No. 2 has not misused the privilege.

On the fact it appears that the petition for bail of O.P. No. 2 was rejected by this Court. Therefore, the learned Sessions Judge has illegally granted bail to the O.P. No. 2 even on medical ground once the prayer for bail rejected by this Court. The Sessions Judge should not have granted bail and same amounts to judicial impropriety. Therefore, I find that the order impugned granting bail to O.P. No. 2 is fit to be set aside. Accordingly, the

order impugned is set aside and the bail bond furnished by O.P. No. 2 is hereby cancelled. The O.P. No. 2 is directed to surrender in the Court below within two weeks failing which trial Court will be at liberty to take legal recourse for having the appearance of the O.P. No. 2 earliest.

(Rajendra Kumar Mishra, J)

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