

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29926 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -BARSOI District- KATIHAR

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1. Khalida Khatoon Wife of Late Md. Najurul Haque, resident of village -
Thatha, P.S. - Barsoi, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Faniha @ Sikandar Son of Md. Izhar,
3. Sathaiya @ Satiha,
4. Mukhtar
5. Md. Pahela
All 3 to 5 are sons of late Mainuddin
6. Salim
7. Jalim,
6 and 7 are sons of Mukhtar,
8. Md. Arif Sathaiya @ Satiha,
All 2 to 8 are resident of village - Thaththa, P.S. - Barsoi, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the State : Mr. Subhash Chandra Mishra(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 04-09-2015 Heard learned counsel for the Petitioner and the State.

The Petitioner seeks cancellation of bail granted to
the Opposite Parties 2 to 8 by the Sessions Judge, Katihar, in
connection with A.B.P. No. 314 of 2015 arising out of Barsoi P.S.
Case No. 23 of 2015 by an order dated 6.4.2015.

It has been submitted that the Court below only
considered the initial injury report which was erroneous even
though, four days later, the deceased had died. The Court below
did not consider this fact and granted bail to the Opposite Parties

on the terms that it was still a case under Section 307 Indian Penal Code.

It appears that the Sessions Judge passed the order without the case diary and, hence, he cannot be faulted for having granted bail considering the case to be one under Section 307 Indian Penal Code.

Having considered the facts of the case and also that the Opposite Party did not in any manner misused the privilege of bail thereafter, the application stands rejected.

S.Ali/-

(Anjana Prakash, J)

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