

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22999 of 2016

Arising Out of PS.Case No. -126 Year- 2010 Thana -
SABAUR District- BHAGALPUR

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1. Kamal Nayan Pandey Son of Sri Purushottam Pandey
resident of Village- Prasathdih P.S. Sabour, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

2. Sonu Pandey @ Sonu Kumar,

3. Mithu Pandey @ Rahul Kumar,

Both sons of Kaushal Kishore Pandey, resident of Village-
Prasathdih P.S. Sabour, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Ashok Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 29-11-2016

Heard the parties.

This application has been filed, under Section
439(2) of the Code of Criminal Procedure, seeking
cancellation of bail granted to opposite party Nos. 2 and 3 in
connection with Sabour P.S. Case No. 126 of 2010, registered
for the offences punishable under Sections 341, 323, 379 and

307/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that after having been released on bail, in course of trial, the opposite party Nos. 2 and 3 are threatening the witnesses and attempting to tamper with the evidence. In support of this submission, he has relied on a report submitted by the Officer-In-Charge of the concerned police station, addressed to the Superintendent of Police, Bhagalpur.

Since from the materials on record, I notice that the petitioner and opposite party Nos. 2 and 3 are agnates and there is some property dispute also between them, I am not inclined to entertain this application for cancellation of bail for the present.

I direct the court below to ensure expeditious disposal of Trial No. 884 of 2014. If the petitioner has any grievance of threatening of the witnesses, he may make necessary application before the court below. The court below, whereafter, may get the allegation inquired.

It is indicated that if the opposite party Nos. 2 and 3 are found indulging in such activities, like tampering with the evidence or threatening the witnesses, this Court shall certainly cancel their bail. It is also indicated that if, because of lapses on their part the trial before the learned court below gets delayed, this Court shall consider cancelling

their bail bonds.

This application stands disposed of with the observations as above.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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