

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25188 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -RAJPUR

District- BUXAR

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1. Ramkumar Sah, son of late Mahesh Sah, resident of
Sonpa kunj village, P.S. Rajpur, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
 2. Sanjay Sah, son of Tarkeshwar Sah
 3. Tarkeswar @ Tarkeshwar Sah, son of late Mahmu Sah
 4. Smt. Tara Devi, wife of Tarkeshwar Sah
 5. Smt. Khushboo Devi @ Khushbu, wife of Sanjay Sah
- Opposite parties 2 to 5 residents of village Shahbajpur, P.S.
Rajpur, District Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. K.M. Joseph

For the Opposite Party/s : Mr. Chandra Bhushan Pd. (App)

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

ORAL ORDER

2 29-11-2016

Heard the parties.

Opposite party No. 2 is the husband of the
deceased. Opposite party Nos. 2 to 5 have been made
accused in Rajpur P.S. Case No. 57 of 2016, registered for
the offence punishable under Section 304B read with Section

34 of the Indian Penal Code.

The petitioner by filing present application, under Section 439(2) of the Code of Criminal Procedure, seeks cancellation of bail granted to opposite party Nos. 2 to 5 by an order, dated 18.04.2016, passed by learned Sessions Judge, Buxar, in ABP No. 300 of 2016.

Learned counsel for the petitioner has submitted that considering the nature of allegation in the First Information Report, the court below ought not to have granted anticipatory bail, in the light of the gravity of the offence.

On perusal of the application, I find that there is no assertion that after having been released on bail, opposite party Nos. 2 to 5 ever misused the privilege so granted to them by tampering with the evidence or threatening the witnesses in any manner whatsoever. Grant of bail is one aspect, whereas, cancellation of bail is another. The bail once granted to an accused can be cancelled only in case when he is found to be tampering with the evidence, influencing the witnesses or otherwise causing obstruction in conclusion of the investigation or trial. A bail can also be cancelled on the ground that it was obtained by misrepresentation or fraud. No such ground is available in the present case.

This application is, accordingly, dismissed.

It is observed that the learned court below shall take all possible steps to ensure expeditious disposal of the trial.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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