

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7292 of 2016

Arising Out of PS.Case No. -407 Year- 2015 Thana -SITAMARHI District- SITAMARHI

Nathuni Rai S/o Late Jwala Prasad, Resident of Village - Kharaka, P.S. -
Sitamarhi, District - Sitamarhi. Petitioner

Versus

1. The State of Bihar.

2. Jayas Ram, Son of Late Suith Ram, resident of village - Singrahiya, P.S. -
Sahiyara, District - Sitamarhi, presently posted as Revenue Clerk of Village
- Kharaka Circle Office - Dumra, District - Sitamarhi.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. R.P.S. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 02-03-2016

The Opposite Party No. 2 Jayas Ram was made
accused in connection with Sitamarhi P.S. Case No. 407 of 2015
registered under Sections 406, 420, 467, 468, 471 and 120-B of
the Indian Penal Code. Initially, the petitioner had instituted a
complaint case in the court of Chief Judicial Magistrate,
Sitamarhi vide Complaint Case No. C-646 of 2015 which was
referred to the police under Section 156(3) of the Code of
Criminal Procedure for investigation pursuant to which the
aforesaid FIR was registered and investigation was taken up.



2. Apprehending his arrest in connection with aforesaid police case, the petitioner approached this Court for grant of anticipatory bail by filing an application under Section 438 of the Code of Criminal Procedure. After hearing the parties, this Court vide order dated 08.12.2015 passed in Cr. Misc. No. 54347 of 2015 granted the petitioner anticipatory bail on merits.

3. By way of the present application preferred under Section 439 (2) of the Code of Criminal Procedure, the petitioner seeks cancellation of the anticipatory bail granted to the opposite party no. 2 by this Court vide aforesaid order dated 08.12.2015 passed in Cr. Misc. No. 54347 of 2015.

4. It has been contended that the opposite party no. 2 had obtained bail by playing fraud upon the Court as he has suppressed certain material facts and even after grant of bail, he is threatening the petitioner with dire consequences.

5. I have heard learned counsel for the petitioner and perused the record carefully.

6. I do not find that any material fact was suppressed from this Court by the opposite party no. 2 while pressing his application for bail in Cr. Misc. No. 54347 of 2015. The order was passed on merits after examining the allegations

made in the complaint. There is no other material on record on the basis of which this Court may arrive at a conclusion that the opposite party no. 2 is tampering with the evidence or threatening the informant of the case.

7. In that view of the matter, I do not find any merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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