

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19849 of 2016

Arising Out of PS.Case No. -88 Year- 2014 Thana -KATRAHA District- VAISHALI(HAJIPUR)

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1. Hari Kishore Singh S/o Raj Ballabh Singh R/o Village- Bishanpur Fakira,
P.S.- Tariyani, District- Shivhar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amod Kumar Singh S/o Bhola Singh R/o Village Lotan, P.S.- Kartahan,
District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rina Sinha

For the Opposite Party/s : Ms. Anita Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 29-11-2016 The Opposite party No. 2 is an accused in a case under Section 304B of the Indian Penal Code. He is the husband of the deceased. He was granted privilege of anticipatory bail by an order of this Court, dated 15.10.2015, passed in Cr. Misc. No. 41455 of 2015. While granting the said privilege of anticipatory bail, this Court took into account the materials on record including the medical prescription of the deceased to arrive at a prima facie, conclusion that the deceased had died natural death while being taken to Indira Gandhi Institute Medical Sciences, Sheikhpura, Patna , as at that time she was suffering from Hepatitis-B.

This petition has been filed seeking cancellation of bail granted to Opposite party No.2 mainly on the ground

that he has obtained anticipatory bail on the basis of wrong facts. According to the petitioner, who is the father of the deceased, the deceased was not suffering from Hepatitis-B.

Be that as it may, there is no allegation that after having released on bail, the Opposite party No.2 ever misused the privilege of bail either by making any attempt to tamper with the evidence or threaten the witnesses or not presenting himself before the Police/Court as and when required.

Considering the above circumstance, I am of the view that the petitioner has not been able to make out a case for cancellation of bail granted to Opposite party No.2.

This application has no merit and is, accordingly, dismissed.

Rejection of this application will not preclude the claim of the petitioner for raising the plea at the stage of trial or at appropriate stage.

(Chakradhari Sharan Singh, J)

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