

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35985 of 2014

Arising Out of PS.Case No. -40 Year- 2011 Thana -BARAHIYA District- LAKHISARAI

Nutan Kumari W/o Raushan Kumar, D/o Late Sidheshwar Singh Resident
of Village Bahadurpur, P.S. Barahiya, District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raushan Kumar S/o Shatrughan Sharma R/o Village Kurtana, P.S. Hilsa,
District Nalanda.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lalan Kumar

For the Opposite Party/s : Mr. Dr. Indivar Kumari(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 26-10-2016

Heard learned counsels for the petitioner and
the State.

The present application has been filed for
cancellation of bail, granted to opposite party no. 2 vide order dated
16.05.2013 passed in Cr. Misc. No. 20160 of 2013 in connection
with Barahiya P.S. Case No. 40 of 2011, pending in the court of
learned SDJM, Lakhisarai.

The opposite party no. 2 being the husband of
the petitioner-informant was granted anticipatory bail in a case
registered for the offences punishable under Sections 406, 498A of



the Indian Penal Code and 3/4 of Dowry Prohibition Act and 31 of The Protection of Women from Domestic Violence Act, 2005 on the submission that opposite party no. 2 was abducted at the hands of the petitioner-informant side when the mother of opposite party no. 2 filed Chandi P.S. Case No. 213 of 2006 with accusation under Sections 363 and 365 IPC on 21.06.2016 and thereafter the present case was filed on 16.04.2011. In the present case on conclusion of investigation the accusation was found false and differing with the final form the cognizance was taken against opposite party no.2.

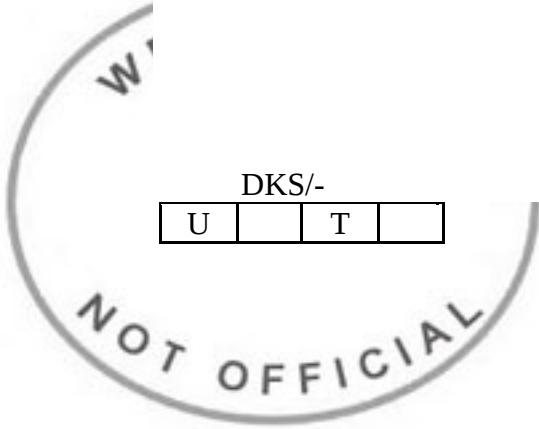
It is submitted by learned counsel for the petitioner that the case lodged against the petitioner-informant was ultimately found false and in one of the cases the informant side were acquitted. Moreover, the opposite party no. 2 has performed second marriage which suggests that opposite party no. 2 has misused the privilege of bail and above all opposite party no. 2 gave threatening to the petitioner side for which a case was also lodged in 2013.

Considering the fact that opposite party no. 2 was granted bail on 16.05.2013 and no substantial proof of misuse of privilege of bail has been brought on record, moreover, considering the nature of accusation, this Court is not inclined to consider the merits of the case de novo while considering the

application for cancellation of bail.

Accordingly, this application is dismissed.

(Dinesh Kumar Singh, J)



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