

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3102 of 2013

Arising Out of PS.Case No. -121 Year- 2012 Thana -FORBESGANJ District- ARRARIA

Lakshmi Mandal S/O Late Rameshwar Mandal Resident Of Village-
Tiraskund, P.S.- Farbesganj, District- Araria

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shobhanand Mandal S/O Jibachh Lal Mandal @ Jibchhi Mandal
Resident Of Village- Tiraskund, P.S.- Farbesganj, District- Araria
3. Shivji Mandal S/O Jadu Mandal Resident Of Village- Nayanagar,
Tiraskund, P.S.- Farbesganj, District- Araria

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav

For the Opposite Party/s : Mr. Chandra Bhushan Prasad (A

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 05-10-2016

The present application has been filed for
cancellation of bail of opposite party nos. 2 and 3 namely,
Shobhanand Mandal and Shivji Mandal, who were granted
anticipatory bail vide order dated 07.11.2012 passed in Cr. Misc.
No. 25790 of 2012 in connection with Forbesganj P.S. Case No.
121 of 2012 registered under Sections 302/34 of the Indian Penal
Code, pending in the court of learned CJM, Araria.

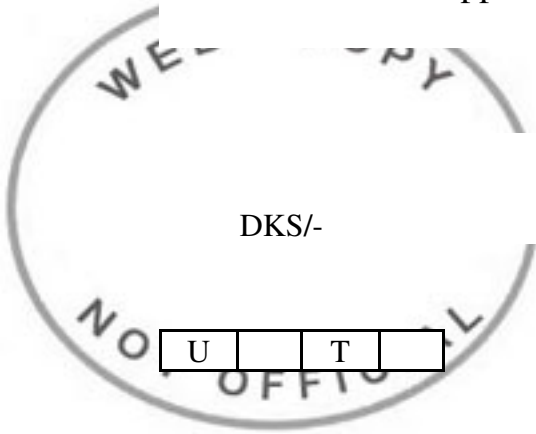
The cancellation has been sought for on the

ground that the opposite party nos. 2 and 3 gave threatening to the petitioner subsequent to the grant of bail and Dy.S.P. in supervision note found the case true against opposite party nos. 2 and 3.

The prosecution case is that the informant's brother's wife's dead body was recovered from the maize field with cut injuries when the FIR was lodged against three persons. The petitioners were not named in the FIR. Subsequently, the petitioners' name sprang up in 164 Cr.P.C. statements of the informant, informant's wife and the husband of the deceased where they alleged that deceased gave loan of Rs.40,000/- to the opposite party nos. 2 and 3 when petitioner nos. 2 and 3 returned Rs.10,000/- hence, there was dispute with regard to Rs.30,000/-.

Considering the fact that there was specific case of the informant-petitioner in the First Information Report against three named accused and the opposite party nos. 2 and 3 were not named in the FIR when the FIR was lodged on 01.04.2012 whereas the statements under Section 164 Cr.P.C. was recorded on 11.05.2012. The bail was granted to opposite party nos. 2 and 3 on 07.11.2012 and except filing of application immediately after the grant of bail with regard to the threat no substantive case has been lodged.

Hence, this Court finds no merit in this application and accordingly, it is dismissed.



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(Dinesh Kumar Singh, J)