

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23360 of 2013

Arising Out of PS.Case No. -21 Year- 2013 Thana -NIMCHAKBATHANI District- GAYA

1. Vijay Yadav Son Of Late Jaipal Yadav, Resident Of Village- Bathani
Tola Dharmbigha, Police Station- Nimchak Bathani In The District Of
Gaya.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kunti Devi Wife Of Rajendra Prasad Yadav @ Rajendra Yadav,
Resident Of Village- Madho Bigha, Police Station- Nimchak Bathani In
The District Of Gaya.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr. Renuka Ratnakar (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-10-2016 The present application has been filed for
cancellation of bail of opposite party no. 2 who was granted bail
vide order dated 01.05.2013 passed in Cr. Misc. No. 14082 of
2013 in connection with Nimchak Bathani P.S. Case No. 21 of
2013 registered under Sections 307, 323, 325, 341, 342/34 of
the Indian Penal Code, subsequently Section 302 I.P.C was also
added.

The prosecution case is that, on the order of
opposite party no. 2, her sons Ranjeet Yadav and Vivek Yadav
assaulted the son of the petitioner with iron rod. They also
assaulted the brother of the petitioner. Subsequently the
brother of the petitioner succumbed to the injuries.

Considering the fact that accusation of

assault was not alleged against the opposite party no. 2 and she being lady, she was granted anticipatory bail by this Court.

Learned counsel for the petitioner submits that opposite party no. 2 concealed this fact that Section 302 I.P.C was also added. Moreover, on the order of this opposite party her sons made the assault.

In view of this Court, the parameters for grant of bail and its cancellation are quite different. Moreover, there is nothing on record to suggest that after grant of bail the opposite party no. 2 has misused the privilege of bail.

This Court finds no merit in the application. The application stands dismissed in connection with Nimchak Bathani P.S. Case No. 21 of 2013.

(Dinesh Kumar Singh, J)

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