

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32820 of 2016

Arising Out of PS.Case No. -244 Year- 2015 Thana -BRAHMPURA District- MUZAFFARPUR

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Prabhu Dayal Prasad, son of Late Raj Kumar Prasad, resident of N.H.-28,
Chandani Chowk, Police Station - Brahmpura, District Muzaffarpur.

.... Petitioner.

Versus

1. The State of Bihar.
2. Manjeet Kumar @ Politics Yadav @ Manjeet Maniya, son of Deepak Prasad @ Munna Mahto, resident of Mohalla- Brahmpura, Krishna Toli, P.S. Brahmpura, District- Muzaffarpur.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr.

For the Opposite Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 10-08-2016

Heard.

This application has been filed on behalf of the petitioner for cancellation of bail granted to the opposite party no.2 by a common order dated 16.03.2016 passed in Criminal Misc. No.2498 of 2016, filed on behalf of the opposite party no.2, with Criminal Misc. No.5853 of 2016, filed on behalf of Bholu Jha alias Bhola Jha alias Saurav Kumar in connection with Brahmapura P.S. Case No.244 of 2015 to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur.

Learned counsel for the petitioner submits that the prayer for bail of the opposite party no.2 and the co-accused Bholu

Jha alias Bhola Jha alias Saurav Kumar was allowed on the basis of concealment of fact. Further submission is that it would appear from the statement of the injured-deceased, recorded on 03.10.2015 (Annexure-‘4’ to the petition), that he has specifically named the opposite party no.2 and other accused causing assault to him.

On going through the order dated 16.03.2016 passed in Criminal Misc. No.2498 of 2016 with Criminal Misc. No.5853 of 2016, it appears that opposite party no.2 and the co-accused Bholu Jha alias Bhola Jha alias Saurav Kumar were granted bail taking into consideration the submission made on their behalf to the effect that the informant/petitioner is not eye witness to the occurrence and the witnesses in paragraphs-6, 7 and 16 of the case diary have made general allegation of assault to the deceased without any specific overt act against them. Moreover, the deceased Ramendrajee died on 13.11.2015, after more than one month and three weeks of the occurrence.

On going through the Annexure-‘4’ to the application, it appears that while the opposite party no.2 alongwith five others has been named by the injured-deceased but no specific overt act has been attributed against the opposite party no.2 rather there is general allegation of assault to the deceased is against six accused

including the opposite party no.2. There is no case of misuse of privilege of bail by the opposite party no.2.

Learned A.P.P. for the State submits that it would appear from the record that it is not a case of misuse of privilege of bail by the opposite party no.2.

Having regard to the facts and circumstances of the case, I do not find any merit in this application and the same is, accordingly, rejected.

(Rajendra Kumar Mishra, J)

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