

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29583 of 2016

Arising Out of PS.Case No. -78 Year- 2015 Thana -

HARLAKHI District- MADHUBANI

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1. Rajeshwar Yadav Son of Late Bauelal Yadav resident of
Village - Kamtaul Tole Pachgachhiya, P.S. - Saharghat,
District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Mahesh Yadav Son of Ram Briksh Yadav resident of
Village - Kamtaul Tole Pachgachhiya, P.S. - Saharghat,
District - Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 05-12-2016

Heard the parties.

In this application, filed for cancellation of bail of
opposite party No. 2, who has been directed to be released
on anticipatory bail by learned 1st Additional Sessions Judge,
Madhubani, on 22.04.2016, in connection with Harlakhi P.S.
Case No. 78 of 2015, registered for the offences punishable
under Sections 147, 148, 341, 323, 324, 307, 384 and 504 of



the Indian Penal Code, grievance of the petitioner is that the learned court below has overlooked the gravity of the offence alleged and has wrongly exercised the discretion in the matter of grant of anticipatory bail.

Learned counsel for the petitioner has submitted that the specific allegation of assault, caused with Farsa, stands corroborated by the medical report and despite that learned 1st Additional Sessions Judge, Madhubani, granted opposite party No. 2 the privilege of anticipatory bail, which is not just exercise of discretion. She has also submitted that opposite party No. 2 has criminal antecedent, as stated in paragraph 8 of the present application.

In addition, learned counsel for the petitioner has submitted that after having been released on bail, opposite party No. 2 is regularly threatening the petitioner in various ways of dire consequences.

So far as grant of anticipatory bail by learned 1st Additional Sessions Judge, Madhubani, is concerned, I do not find that there has been any unjust exercise of discretion. So far as the allegation of criminal antecedent is concerned, the statement, made in this regard in paragraph 8 of the present application, is completely vague and non-specific. Similar is the case with the allegation that opposite party No. 2 is threatening the petitioner. It is evident from reading of



paragraph 9 of the application that the statement to this effect is also vague.

Considering the facts and circumstances, I do not think that any case for cancellation of bail is made out.

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

(Chakradhari Sharan Singh, J)

Praveen-II/-

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