

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38173 of 2016

Arising Out of PS.Case No. -367 Year- 2013 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

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1. Abu Faizy Son of Abdul Hafiz resident of Mohalla- Jakaria Colony, Sadpura, Police Station- Kazi Mohammadpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ravi Kant Sharma son of Late Jang Bahadur Sharma Resident of Mohalla- Anandpuri, Brahmpura, House No.351, Ward No.7, Police Station- Sadar, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar @Sanidh

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 05-12-2016 Heard the parties.

Opposite party no. 2 was granted anticipatory bail by the Court of learned Sessions Judge, Muzaffarpur, by an order, dated 20.02.2014, passed in A.B.P. No. 1699 of 2013, in connection with Kazi Mohammadpur P.S. Case No. 367 of 2013, registered for the offences punishable under Section 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner seeks cancellation of bail, so granted to opposite party no. 2, in the present application filed under Section 439(2) of the Code of Criminal Procedure, 1973



(Cr.P.C.). It is the case of the petitioner that the opposite party no. 2 had been regularly threatening the petitioner in order to withdraw the said case and in such circumstance, the petitioner has filed a complaint case against opposite party no. 2. The said complaint case has been referred to Kazi Mohammadpur Police Station for registration of First Information Report, whereafter, an F.I.R has been registered.

It appears from the First Information Report that the opposite party no. 2 is known to the informant. Allegation against the opposite party no. 2 is that he opened indiscriminate firing on the informant but somehow or the other, he managed to escape. I do not consider it apt to comment on the nature of allegation made in the First Information Report since that may prejudice the case at the trial.

In the facts and circumstances of the and statements made in the present application, I do not consider it to be a fit case, where in exercise of power under Section 439(2) of the Cr.P.C., bail granted to opposite party no. 2, needs to be cancelled.

It is further made clear that if any such report is received by learned Chief Judicial Magistrate to indicate that the opposite party no. 2 is interfering with the investigation



or threatening the witnesses, he may proceed to cancel the bail, so granted in favour of opposite party no. 2.

This application is disposed of with the aforesaid observations.

(Chakradhari Sharan Singh, J)

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