

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41098 of 2015

Arising Out of PS.Case No. -11 Year- 2013 Thana -SANGRAPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Kuresha Khatoon wfe of Md. Sahadar Husain, R/o Bhusahan Tola, P.S.-
Sangrampur, Dst- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tabarak Mian, Son of Nabijan Mian, R/o Village- Bhusahan, P.S.
Sangrampur, Dist- East Champaran, Motihari, Presently Residing at Gokul
Path Cycle Shop, Patel Nagar, P.S.- Shastri Nagar, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal--Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (A.P.P.)

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 13-01-2016

Reply to show cause has been filed on behalf of the
petitioner, taken on record.

Instant petition has been filed for cancellation of bail,
which the opposite party no.2, Tabarak Mian is availing in
pursuance of an order dated 02.09.2014 passed in Cr. Misc.
No.13303 of 2014, on the ground that after enlargement on bail,
they have indulged in criminal activity on account of which,
Sangrampur P. S. Case no.37 of 2015 has been registered. Show
cause was issued and in pursuance thereof, opposite party no.2,
Tabarak Mian appeared and filed his show-cause wherein it has
been stated that it is the prosecution party, who happens to be
aggressor, who indulged in assault and on account thereof, on the

fard beyan of opposite party no.2's brothers, Sangrampur P. S. Case no.36 of 2015 has been registered. It has also been submitted that after coming to know about the same, instant case has been registered as a counter blast. During course of argument, it is evident that out of twelve (12) charge sheeted witnesses, six have already been examined.

Learned counsel for the informant has further assured that he is ready to examine all the remaining witnesses and that being so, the learned lower Court is directed to record evidence of all the remaining prosecution witnesses on day to day basis without granting any adjournment. With regard to official witness, the learned Additional Public Prosecutor has assured presence of those witnesses through the Superintendent of Police, East Champaran at Motihari.

In case, there happens to be repetition of criminal activity, then in that event, petitioner will be entitled to move before the learned lower Court and the learned lower Court, if so approached, will pass appropriate order in terms of Section 439 of the Cr.P.C. after considering the materials available on the record.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

Vikash/-

U		T	
---	--	---	--