

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 850 of 2016

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1. Sagar Yadav Son of Kishori Yadav.
 2. Ramatar Yadav Son of Kishori Yadav.
 3. Kishori Yadav Son of late Chotan yadav All resident of Village-
Gilani, P.s Sare, District Nalanda,
 4. Ajay Yadav Son of Naresh Yadav Resident of Village- Vijban par,
P.S. Dipnagar, District Nalanda.

.... Petitioner/s

Versus

1. Mithilesh Yadav, Son of Sri Hari Gope resident of Village-
Gilani, P.S. Sare, District Nalanda,
2. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Adv.

For the Opposite Party/s: Mr. Yogendra Kr. Singh (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

03. 06.04.2016

The history of the case is that initially one Sare P.S. Case No. 98 of 2014 was instituted against some persons who were granted anticipatory bail on 27.01.2015 on consideration of merits. In the meanwhile, another case bearing Sare P.S. case No. 107 of 2014 was also instituted by the Informant in which the parties compromised. Even before, the Informant had filed a Sanha on 13.01.2015 before the Court as well as the Police but no inquiry was initiated. However, the Petitioners were granted bail despite the "Sanha".

Later on the basis of the same "Sanha" Informant filed application before this Court vide Cr. Misc. No. 8465 of 2015 for canceling bail of the accused persons on ground of misuse and this Court unfortunately taking it as a subsequent act passed such an order on 06.11.2015.

Now, rightly an application for

modification of the said order has been filed on behalf of all the four accused who were directed to surrender before the Court below on the ground that they were not heard before the said order was passed and hence could not explain the sequence of events. Also explaining that there was no cogent material in support of threats being meted out to the Informant.

In view of such, it appears that this Court on misconception of facts passed such an order and, therefore, the order is modified to the extent that it be ignored.

The Modification Application stands allowed.

Let this order be communicated to the Sessions Judge, Nalanda at Bihar Sharif in connection with Sare P.S. Case No. 98 of 2014.

Vikash/-

(Anjana Prakash, J.)

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