

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50356 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -AWADPUR District- KATIHAR

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Phool Mohammad S/o Late Dabiruddin R/o Sirajmani, P.S. - Abadpur, Distt
- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Malik
3. Md. Hannan Both are S/o Late Hafijuddin R/o Sirajmani, P.S. - Abadpur,
Distt - Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 06-12-2016 The Opposite Parties No. 2 and 3 have been granted anticipatory bail by the learned Sessions Judge, Katihar vide order dated 16.09.20016 in connection with Abadpur P.S. Case No. 69 of 2016 registered for the offence punishable under Sections 341, 323,324,307,504 and 379/34 of the Indian Penal Code.

The informant has filed the present application under Section 439(2) of the Cr.P.C seeking cancellation of bail so granted to the Opposite Parties No. 2 and 3.

It appears from the record that the petitioner is also an accused in Abadpur P.S. Case No. 68 of 2016 registered on the



same day for the offence punishable under Sections 341,323,324,307,504 and 379/34 of the Indian Penal Code.

There is apparently case and counter case lodged by both the parties. There is nothing on record to demonstrate that after grant of bail, the Opposite Parties No. 2 and 3 have misused the privilege of bail.

Learned counsel for the petitioner has submitted that considering the seriousness of allegation, the learned court below ought not to have granted them privilege of anticipatory bail.

I do not find any substance in the submission so advanced by the petitioner. In the facts and circumstances of the case, in my view, the learned court below has duly exercised his discretion under Section 438 of the Cr.P.C.

I find no merit in the application, the same is dismissed.

(Chakradhari Sharan Singh, J)

Prakash/-

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