

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50004 of 2014

Arising Out of PS.Case No. -40 Year- 2014 Thana -MAHILA PS District- DARBHANGA

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1. Manisha Choudhary D/o Manmohan Choudhary Resident of Village -
Yamsam, P.S. - Pandaul, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Ashish Narayan Jha S/o Dr. Shree Narayan Jha Resident of Mohalla -
Balbhadrapur, P.S. - Laheriasarai, District - Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No-2
For the Opposite Party : Mr. Ajay Kumar Thakur
For the State : Mr. U.L. Verma(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 17-02-2016 Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the O.P. No. 2 as well as learned

Additional Public Prosecutor for the State.

The petitioner seeks cancellation of order dated
04.08.2014 passed in Cr. Misc. No. 24408 of 2014. The grounds
urged by learned counsel for the petitioner are that the order dated
04.08.2014 has been obtained on the basis of false submissions
made by the petitioner therein. The other ground urged is that after
the filing of the present case in which the petitioner had sought
and obtained bail, the opposite party and his father had filed
several cases against the family members of the present petitioner
and also the witnesses.

Having perused all the documents which has been

annexed with the present cancellation application, this Court finds that, in fact, the allegation that the order was obtained on false premise does not stand substantiated as the money exchanged hands but prior to the filing to the application in which the O.P. No. 2 had taken bail. So far as allegation regarding the torture being meted out by O.P. No. 2 to the family members and other witnesses after perusal of the documents annexed, it transpires that all such cases were lodged prior to the order being passed by this Court. It was only after due consideration of aforementioned of facts and circumstances that this Court had passed order granting regular bail to the petitioner of Cr. Misc. No. 24408 of 2014 and also because the petitioner had already stayed in custody for about four months.

As such, this Court is not inclined to entertain this cancellation application. It is accordingly, dismissed.

(Anjana Mishra, J)

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