

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19848 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -NAWADA District- NAWADA

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1. Binay Shankar @ Om Prakash son of Late Tulsi Prasad Yadav, resident of Mohalla- Navin Nagar, Gobardhan Mandir Nawadah, P.S.- Nawadah Town, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ashok Kumar Singh, son of Late Kameshwar Yadav resident of Mohalla- Bangali Para, Rajgir, P.S.- Rajgir, District- Nalanda.
3. Bijay Kumar Singh @ Bijay Yadav son of Late Kameshwar Yadav resident of Mohalla- Bangali Para, Rajgir, P.S.- Rajgir, District- Nalanda.
4. Mahendra Yadav, son of Prabhu Yadav, resident of Village- Dhankaul, P.S.- Ariari, District- Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 29-11-2016 This application has been filed seeking

cancellation of bail granted to Opposite Party Nos. 2 to 4 by

an order, dated 02.03.2016, passed in ABP No. 102 of 2016

by learned Sessions Judge, Nawadah in connection with

Nawadah Town P. S. Case No. 16 of 2016 registered for the

offences punishable under Sections 420, 120B, 379, 509/34

of the Indian Penal Code.

There is nothing substantial on record to

demonstrate that after having been released on anticipatory

bail, the Opposite parties ever misused the privilege of bail.

There is nothing to show that they obtained the privilege of

anticipatory bail by playing fraud or misrepresentation.

In such circumstance, I do not find it to be a fit case to exercise jurisdiction under Section 439(2) of the Code of Criminal Procedure, 1973, by cancelling the bail granted to Opposite party Nos. 2 to 4.

This application has no merit and, is accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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