

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37599 of 2015

Arising Out of PS.Case No. -76 Year- 2014 Thana -TAJPUR District- SAMASTIPUR

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1. Pawan Kumar Jha S/o Late Kedar Nath Jha Resident of village - Sonapur,
P.S. Rosara, Distt. - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Aditya Nath Choudhary S/o Late Lakhan Choudhary

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh
For the Opposite Party/s Mr. G.S.Gupta(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

6 30.03.2016 Heard both parties.

Petitioner seeks cancellation of pre-arrest bail granted to the opposite party no.2 by this court vide order dated 9.2.2015 passed in Cr. Misc. no. 32737/2014 in connection with Tajpur (Halai O.P)P.S. Case no. 76/2014 on the ground that in course of trial, opposite party no.2 and other accused gave threatening to the prosecution witnesses and after that one witness Hare Ram Chaudhary gave written report to Tajpur (Halai O.P) but even after filing of the aforesaid petition, bail bond of opposite party no.2 has not been cancelled by the learned trial court nor police has taken any step to prevent opposite party no.2 and other accused from giving threat to the prosecution witnesses.

Learned counsel for the petitioner submits that unless bail bond of opposite party no.2 is cancelled, fair trial is not possible because annexure 2 written petition filed by the witness shows that the witnesses are being terrorized by opposite party no.2 as well as other

accused.

Learned counsel for the opposite party no.2 refutes the above stated submissions arguing that this court granted privilege of anticipatory bail to opposite party no.2 having considered the facts of the case as well as allegation but the informant got filed the above stated petition with an intent to get bail bond of opposite party no.2 cancelled and, as a matter of fact, no such occurrence, as alleged in the written report, had ever taken place.

In my view, it is the trial court who will decide the above stated controversy after making proper enquiry and, therefore, this petition stands disposed of giving liberty to the petitioner to raise the aforesaid point before the concerned court and if the petitioner does so, the concerned court/ trial court shall pass appropriate order after making proper and due enquiry.

Shahid

(Hemant Kumar Srivastava,J)

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