

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38160 of 2015

Arising Out of PS.Case No. -24 Year- 2014 Thana -SAMHO District- BEGUSARAI

1. Chamru Yadav, Son of Late Biso Yadav.

2. Meera Devi, Wife of Chamru Yadav.

Both resident of village- Salha Bind toli, P.S.- Shamho, District- Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Hirday Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-04-2016

By way of the present application preferred under Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the order dated 22.07.2015 passed by the learned Additional Chief Judicial Magistrate, Begusarai in Samho P.S. Case No. 24 of 2014 whereby the bail granted to the petitioners vide order dated 24.06.2015 has been cancelled.

It would be evident from the impugned order that the petitioners had obtained bail by playing fraud upon the court. Though, cognizance was taken for the offence punishable under Section 307 of the Indian Penal Code, a plea was taken that the

offences under which the petitioners are being prosecuted are bailable in nature. It was also contended in the application that the petitioners had not moved for bail under any provision of law before any higher court, whereas the fact of the matter is that the petitioners had already filed an application for anticipatory bail before the learned Sessions Judge, who had already rejected it. Noticing these facts, the learned Magistrate has cancelled the bail bond of the petitioners.

Regard being had to the facts noted above, I find no illegality in the impugned order dated 22.07.2015.

Accordingly, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

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