

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32909 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -

KHAGAUL District- PATNA

=====

1. Dr. Raj Kumar S/o Late Ram Prasad Pandit resident of
Bari Khagaul, P.S.- Khagaul, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

2. Supriya Devi W/o Rupesh Kumar

3. Rupesh Kumar

4. Rakesh Kumar

5. Ritesh Kumar, All three S/o Indradev Prasad, All 2 to 5
resident of Jairam Bazar, P.S.- Khagaul, District- Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hari Shankar Roy

For the Opposite Party/s : Mr. Rajesh Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 05-12-2016 The present application, under Section 439(2) of
the Code of Criminal Procedure, 1973, has been filed seeking
cancellation of bail of opposite party Nos. 2 to 5, who have
been made accused in Khagaul P.S. Case No. 42 of 2016,
registered for the offence punishable under Sections 323,
330, 331, 337, 339, 350 and 392/34 of the Indian Penal



Code.

Opposite party No. 2 is the wife of opposite party No. 3, whereas, opposite party Nos. 4 and 5 are full brothers of opposite party No. 2. They have been granted the privilege of anticipatory bail *vide* order, dated 29.03.2016, passed by learned Sessions Judge, in ABP No. 2238 of 2016, in view of the nature of allegation made in the First Information Report, registered on the basis of a complaint case.

On perusal of the complaint petition, I find that there is some dispute with respect to land between the parties, which led to filing of the complaint case and, thereafter, First Information Report, under Section 156(3) of the Code of Criminal Procedure.

There is nothing to suggest that anticipatory bail was granted in favour of opposite party Nos. 2 to 5 by wrong exercise of discretion by the learned court below. There is no material to suggest that after having granted bail opposite party Nos. 2 to 5 ever misused the privilege in any manner, which would warrant cancellation of their bail in exercise of power, under Section 439(2) of the Code of Criminal Procedure.

In my opinion, filing of this application for cancellation of bail, in the background of nature of accusation



in the complaint petition, is abuse of process of the Court.

Learned counsel for the petitioner attempted to submit that the police, in collusion with the said opposite parties, are not duly investigating the case. This cannot be a ground for cancellation of bail. There is no material to indicate that in any manner, opposite parties are influencing the investigation or the witnesses.

There is no merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

U		T	
---	--	---	--

