

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37826 of 2016

Arising Out of PS.Case No. -62 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

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Col. Uday Kumar Yadav, son of Late Ram Prasad Lal Yadav, Resident of
Rukmani Chambers, Salimpur Ahra, Exhibition Road, P. S. Gandhi Maidan,
District-Patna

.... Petitioner/s

Versus

1. State of Bihar
 2. Sanjay Kumar, Son of Late Ram Prasad Lal Yadav, Resident of
Rukmani Chambers, Salimpur Ahra, Exhibition Road, P. S. Gandhi
Maidan, District-Patna
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr. Advocate
With Mr. Amish Kumar Jha

For the Opposite Party/s : Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 06-12-2016 Heard learned counsel for the parties.

2. This application has been filed seeking
cancellation of anticipatory bail granted to Opposite party
No.2 by the learned Sessions Judge, Patna by an order,
dated 02.06.2016, who is an accused in Gandhi Maidan P.S.
Case No. 62 of 2016 registered for the offences punishable
under Sections 341,302,201 and 120B of the Indian Penal
Code.

3. The petitioner is the informant of this case and
Opposite party No.2, is his full brother. The deceased was
the mother of the two.

4. Learned Senior Counsel appearing on behalf of
the petitioner has submitted that despite there being strong



circumstance to indicate that it was Opposite party No.2 who had played an important role in killing of the deceased, learned Court below by the said order, dated 02.06.2016 granted Opposite Party No.2 the privilege of anticipatory bail. According to him, considering the gravity of the offence and the fact that the accused is own son of the deceased, he should not have been granted the privilege of anticipatory bail.

5. I have perused the order, dated 02.06.2016 passed by the learned Sessions Judge, whereby the Opposite party No.2 has been granted anticipatory bail mainly on the ground that implication of Opposite party No.2 was based on suspicion. There is nothing on record to suggest that after having been released on bail, the Opposite party No.2 has ever misused the privilege of bail.

6. I do not find it to be a fit case for cancellation of bail granted to Opposite party No.2.

7. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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