

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43392 of 2016

Arising Out of PS.Case No. -274 Year- 2014 Thana -DHANARUA District- PATNA

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1. Pintu Kumar, son of Mithilesh Prasad, Resident of Village- Barbigha, P.O.-Deodaha, P.S.-Dhanarua, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Ajay Kumar Nirala, son of Late Sidheshwar Prasad Resident of Village-Barbigha, P.O.-Deodaha, P.S.-Dhanarua, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap

For the Opposite Party/s : Mr. Bisheshwar Ram

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

ORAL ORDER

2 13-12-2016

Heard the parties.

The petitioner seeks cancellation of bail granted to opposite party No. 2 by an order, dated 26.02.2016, passed by the learned Judicial Magistrate, Ist Class, Masaurhi, Patna, in connection with Dhanarua P.S. Case No. 274 of 2014, registered for the offences punishable under Sections 307, 328, 341 and 504/34 of the Indian Penal Code.

The allegation, as per the case of the prosecution, is that the petitioner along with his brother,



namely, Vinay Kumar, entered into the house of the informant and started abusing him and when the informant objected to it, he caught hold of him and co-accused, Vinay Kumar, forcibly put poisonous substance in his mouth.

It appears that opposite party No. 2 had earlier filed an application for anticipatory bail, which was disposed of on 25.01.2016, passed in Cr. Misc. No. 2799 of 2016, by this Court with an observation that it was a case for consideration of regular bail.

Learned counsel for the petitioner submits that considering the gravity of the offence, opposite party No. 2 ought not to have been granted regular bail by the learned court below. It has also been submitted that opposite party No. 2 is accused in several cases.

However, there is nothing on record to suggest that after grant of regular bail, opposite party No. 2 ever misused the said privilege. The order, granting opposite party No. 2 regular bail, passed by the learned court below, cannot be said to be wholly unjustified in view of the nature of accusation.

Considering the above, I do not find any merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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