

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54769 of 2016

Arising Out of PS.Case No. -1052 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Nirbhay Shankar, son of late Kameshwar Lal Das, Resident of Mohalla-
Maharani Colony, Road No.1, Agamkuan, P. S Byepass, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Shankar
3. Jai Shankar

Both sons of Late Kameshwar Lal Das, resident of Maharani Colony,
Agamkuan, P. S By Pass, District-Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bauye Jee Jha (B.J. Jha)

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-12-2016

Heard learned counsel for the parties.

The Opposite parties No. 2 and 3 have been granted anticipatory bail by the learned Sessions Judge, Patna by order dated 16.09.2016. They are accused in a complaint Case being C. A. No. 1052 of 2015 registered for the offence punishable under Sections 341, 323, 504, 379 and 383 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner, who is complainant of the said case has submitted that initially a false affidavit was filed by one Pawan Kumar along with application for grant of anticipatory bail before the Court below



mentioning wrong address and his forged signature on affidavit. When it was subsequently found to be forged, learned Sessions Judge allowed the Opposite parties to file proper affidavit, whereafter, anticipatory bail has been granted.

Learned counsel for the petitioner has submitted that considering the conduct of the Opposite parties, they ought not to have been granted the privilege of anticipatory bail.

However, considering the nature of dispute between the parties and in the facts and circumstances of the case, I am not inclined to exercise power under Section 439(2) of the Code of Criminal Procedure, 1973 for cancellation of bail granted to Opposite parties.

This application is, accordingly, rejected.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--

