

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44068 of 2016

Arising Out of PS.Case No. -209 Year- 2015 Thana -GHANSHYAMPUR District- DARBHANGA

1. Rekha Devi W/o Shanker Mohan Jha R/o Village + P.S.-
Ghanshyampur, District-Darbhanga Petitioner/s

Versus

1. The State of Bihar

2. Shankar Jha S/o Digambar Jha R/o Village- Rajaul. P.S.- Madhepura
District-Madhubani, Presently residing at Shakti Insulated Wires Pvt. Ltd.
624/2a, GIDC Industrial Estate, Valia Road, Ankleshwar, District-Bharuch,
Gujarat Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Narsingh Tanti, A.P.P.

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

ORAL ORDER

2 06-12-2016 The opposite party No. 2 is an accused in Ghanshyampur P.S. Case No. 209 of 2015 registered for the offences punishable under Sections 498A, 504, 506 and 347/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. He has been granted anticipatory bail by an order dated 03.09.2016 passed by learned 4th Additional Sessions Judge, Darbhanga in ABP No. 1006 of 2016. The petitioner, who is wife of opposite party No. 2 seeks cancellation of bail so granted to opposite party No. 2 mainly on the ground that the opposite party No. 2 has obtained bail order on the basis of incorrect statement made before the court below.

Learned counsel for the petitioner has drawn my attention to the part of the order passed by learned 4th Additional Sessions Judge, Darbhanga where he has mentioned that under



some agreement between the petitioner and opposite party No. 2 , by way of one time settlement, an amount of Rs. 7,00,000/- was paid to the petitioner. According to learned counsel for the petitioner, no such amount was ever paid. He has drawn my attention to the statement made in paragraph 11 of the application. There is no such statement in the application that the petitioner had never received such amount. The only plea which is being taken is that a question arises that from where the opposite party No. 2 got this money and paid to the petitioner.

In such circumstance, I am not inclined to entertain this application for cancellation of bail. If it is the case of the petitioner that on the basis of some forged document, the opposite party No. 2 obtained bail, she will be at liberty to make a proper application before the court below in this regard. If, any such application is made, the same shall be considered by the court below in accordance with law.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Vats/-

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

