

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48299 of 2016

Arising Out of PS.Case No. -142 Year- 2015 Thana -KHAJAULI District-
MADHUBANI

=====

Md. Farooque, Son of Late Md. Jalil, R/o Vill.-Barmoutar,
P.S.-Khajouli, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Md. Shamim, Son of Md. Rajak, R/o Vill.-Rajiyahi, P.S.-
Khajouli, District-Madhubani.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s :Mr. Shailendra Kumar Jha, Adv.

For the Opposite Party/s :Mr. Arun Kumar Pandey, APP

=====

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

ORAL ORDER

2 14-12-2016

Heard the parties.

The petitioner seeks cancellation of anticipatory
bail granted to opposite party No. 2 by an order, dated
20.05.2016, passed in Cr. Misc. No. 19308 of 2016. The
main plea for seeking cancellation of bail is that this Court
granted anticipatory bail to opposite party No. 2, taking into
account the stand that the injuries had been found to be in
the nature of lacerated wound etc.



Learned counsel, appearing on behalf of the petitioner, submits that considering the gravity of the injuries sustained by the petitioner, opposite party No. 2 ought not to have been granted the privilege of anticipatory bail by this Court.

However, there is nothing to show that after released on bail, opposite party No. 2 ever misused the said privilege of bail. I do not consider it to be a fit case for exercise of jurisdiction under Section 439(2) of the Code of Criminal Procedure, seeking cancellation of bail.

This application is, accordingly, dismissed.

It is indicated that despite summons, issued by the learned court below, opposite party No. 2 fails to appear before the court below, the court below shall be required to cancel his bail bond.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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

