

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30712 of 2017

Arising Out of PS.Case No. -71 Year- 2017 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Abdul Khalik Ansari Son of Late Khoda Bax Ansari, R/o Village-
Kuawa, P.S.- Chakia, District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Kausher Ali, Son of Adul Haque,
3. Md. Ali, Son of Roza Miya,
4. Wasi Akhtar @ Babloo, Son os Md. Ali,
5. Md. Azad @ Son of Asgar Miya, All are Village- Kuawa , P.S.- Chakia,
District- East Champaran Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 25-07-2017 Heard learned counsel for the parties.

The Opposite parties No. 2 to 5 have been granted anticipatory bail by learned 9th Additional Sessions Judge, Motihari, by order, dated 02.06.2017. They are accused in Chakia P.S. Case No. 71 of 2017, registered for the offences punishable under Sections 363, 365/34 of the Indian Penal Code. As per the allegation, son of the informant is missing who was last seen with the Opposite parties.

Learned counsel appearing on behalf of the petitioner has submitted that the Court below, considering the gravity of the



offence ought not to have allowed anticipatory bail.

I have perused the order granting anticipatory bail. It seems that over and above suspicion, there was no material available before the Court below for refusing the plea for grant of anticipatory bail.

The discretion exercised by the Court below in allowing the prayer for anticipatory bail cannot be said to be completely erroneous, requiring this Court to exercise power under Section 439(2) of the Code of Criminal Procedure, 1973. Further, there is no allegation of any misuse of privilege of bail after the Opposite parties have released on anticipatory bail.

No case for cancellation of bail is made out.

This application has no merit and it is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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