

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8757 of 2017

Arising Out of PS.Case No. -15 Year- 2014 Thana -KHIRHAR District- MADHUBANI

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Kulanand Jha, son of Late Dilleshwar Jha, resident of village Koriyahi,
Police Station Sursand, District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
 2. Chandra Bhushan Jha @ Braj Bhushan Jha @ Bhushan Jha, son of Shri Dhairya Nath Jha
 3. Nutan Jha @ Bebi Devi, wife of Chandra Bhushan Jha @ Braj Bhushan Jha @ Bhushan Jha
- 2 and 3 are resident of village Sonai, Police Station Khirhar, District Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha
For the Opposite Party/s : Mr. Amrendra Prasad

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

2 22-03-2017 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State.

The Opposite Party No. 3 is the sister of the husband of the deceased; whereas, the Opposite Party No. 2 is husband of Opposite Party No. 3. Along with the husband of the deceased, Opposite Party Nos. 2 and 3 have been implicated as accused in Khirhar Police Station Case No. 15 of 2014, registered for the offences punishable under Sections 498A/304B/34 of the Indian Penal Code. They have been allowed anticipatory bail by this Court, by an order, dated 02.02.2015, passed in Criminal Misc. No.



32571 of 2014.

The father of the deceased, who is the informant of the case, has filed this application for cancellation of bail so granted, mainly on the ground that they obtained the said order for anticipatory bail on false representation that husband of the deceased was in custody. It is his plea that in fact, as on 02.02.2015, husband of the deceased was not in custody and he surrendered only in December, 2016.

It is being regularly noticed by this Court that in cases arising out of offence punishable under Sections 498A and 304B of the Indian Penal Code, tendency of implicating family members on vague allegations is growing. Once, bail is allowed to family members, the informant keeps on chasing them by filing one application or the other against them.

This case is one such example. It is not the case of the petitioner that the opposite parties ever misused the privilege of bail so granted, more than two years ago. Two years after they were allowed the privilege of anticipatory bail, this application for cancellation of bail has been filed apparently not for bona fide reasons. Even if, it is accepted that while allowing anticipatory bail by order, dated 02.02.2015, the Court took into account that husband of the deceased was in custody, that, *per se*, cannot be a



ground for cancellation of bail if the said fact is found to be incorrect subsequently.

The application, in my view, is frivolous and is accordingly dismissed with a cost of Rs. 5,000/- to be deposited in the account of Bihar State Legal Services Authority within a period of two months from today.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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