

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11205 of 2017

Arising Out of PS.Case No. -460 Year- 2016 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Sri Krishna Tiwari, S/o Late Jagarnath Tiwari, Resident of vill. - Auraiya, Khairwa Tola, P.S. Bettiah Muffasil (Banuchhpar), District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Sudama Pandey, S/o Late Nathuni Pandey,
3. Umesh Pandey, S/o Sudama Pandey,
4. Dinesh Pandey, S/o Sudama Pandey, All Resident of vill. - Auraiya, Khairwa Tola, P.S. Bettiah Muffasil (Banuchhpar), District - West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv
For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-04-2017 This application has been placed under the heading 'For Orders on Office Notes', describing it to be not maintainable.

It is, however, being disposed of on merits in view of the stand taken on behalf of the petitioner that the power under Section 439(2) of the Cr.P.C being concurrent, this application is maintainable.

By order dated 16.01.2017, the learned C.J.M., Bettiah, has allowed Opposite Party Nos. 2 to 4 to be released on bail in connection with Bettiah Muffasil(Banuchhpar) P.S. Case



No. 460 of 2016 registered for the offences punishable under sections 341, 323, 324, 379, 504/34 of the Indian Penal Code. The Opposite Party Nos. 2 to 4 have been made accused in the said Bettiah Muffasil (Banuchhapar) P.S. Case No. 460 of 2016.

Learned counsel appearing on behalf of the petitioner has submitted that ignoring the evidence of witnesses and seriousness of accusation, learned Chief Judicial Magistrate, Bettiah, has allowed regular bail, erroneously.

I find there is no material to the effect that the opposite parties have misused the privilege of bail after having been released on bail. Grant of bail by the court below cannot be said to be erroneous. No case for cancellation of bail is made out.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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