

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14781 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -CHAUTHAM District- KHAGARIA

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Md. Mokhtar Alam son of Late Mir Yakub Alam resident of village - Nirpur, P.S. Chautham, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Wali son of Md. Insan resident of village - Nirpur, P.S. Chautham, District - Khagaria.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate.

For the Opposite Party/s : Mr. Aditya Narayan Singh-1, APP.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 24-04-2017

The petitioner seeks cancellation of bail of opposite party no.2 allowed by Learned Sessions Judge, Khagaria. Opposite party no.2 is the husband of the deceased and he and other family members have been made accused in the concerned Chautham P.S. Case No. 105 of 2016 for the offence punishable under Sections 304B and 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner has submitted that on a wrong plea that the victim committed suicide, opposite party no.2 has been allowed bail. He has submitted that the material in the case diary suggests that the deceased was killed by the petitioner and the family members.



In this case the case diary was called for which has been made available. It appears that the police have submitted charge sheet against the petitioner. There is no material on record to suggest that the petitioner ever attempted to influence the witnesses or influence the investigation in any manner whatsoever. Since the chargesheet has already been submitted, no purpose would be served, if the bail of opposite party no.2 is cancelled in the absence of any allegation of misuse of privilege of bail. I do not find any reason to cancel the bail allowed to opposite party no.2. Accordingly, this application is dismissed.

(Chakradhari Sharan Singh, J)

Mishra/-

AFR/NAFR	N.A.F.R.
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