

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23452 of 2017

Arising Out of P.S. Case No. -55 Year- 2016 Thana -BAGAINGOLA District- BUXAR

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Ratnesh Kumar Singh, S/o Late Vidyasagar Singh, resident of Village- Baradhi,
P.S.- Bagen Gola District- Buxar. Petitioner/s

Versus

1. The State of Bihar.
2. Praveen Singh, S/o Hardeo Narayan Singh,
3. Raj Kumar Singh @ Tunna Ji, S/o Hardeo Narayan Singh,
4. Dhruv Singh, S/o Hardeo Narayan Singh, All are resident of village- Baradhi,
P.S.- Bagen Gola, District- Buxar. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vikramdeo Singh and
Mr. Uday Kumar, Advocates.
For the Opposite Party/s : Dr. Indiward Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 19-05-2017

The present application has been filed under Section 439 (2) of the Code of Criminal Procedure seeking cancellation of bail granted to opposite parties no. 2 to 4, who are accused in Bagen Gola P.S. Case No. 55/16, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 302, 379, 504 of the Indian Penal Code.

2. Learned counsel appearing on behalf of the petitioner has submitted that the court of learned Sessions Judge ought not to have granted privilege of anticipatory bail in view of the case being of serious nature registered for offence punishable under Section 302 of the Indian Penal Code.



3. It appears that the police upon completion of investigation had found the case to be false and accordingly a final report was submitted. Learned court taking cognizance, however, differed with the conclusion arrived at by the police and decided to take cognizance and issue summonses. It is in that background a plea is being taken that once cognizance was taken by the court differing with the police report, learned Sessions Judge ought not to have granted the opposite parties no. 2, 5 privilege of anticipatory bail.

4. There is nothing specific on record to demonstrate that the opposite parties have breached the conditions of bail or they have refused to present themselves before the court below as and when required. It is trite that consideration for grant of bail and cancellation of bail already granted to a person stand on entirely different footing. In the absence of any satisfactory material to show that the said opposite parties have breached the conditions of bail and have attempted to threaten the witnesses or influence the trial, I am not inclined to entertain this application for cancellation of bail.

5. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.06.2017
Transmission Date	N/A

