

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36387 of 2017

Arising Out of PS.Case No. -64 Year- 2017 Thana -BALIA District- BEGUSARAI

=====

Amar Chaudhary, son of Late Gobind Chaudhary, resident of Village-Sati Chaura,
Police Station-Balika, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Asif, son of Md. Sultan, resident of Village-Lakhminiya, P.S.-Balika,
District-Begusarai.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. A.K. Chandra, Adv.
For the Opposite Party/s : Mr. R.B. Roy Raman, APP
: Mr. Ajay Kr. Sinha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 07-08-2017

Heard the parties.

2. Opposite party No. 2 is an accused in Balia P.S.

Case No. 64 of 2017, registered for the offence punishable
under Sections 341, 323, 326, 307 and 504/36 of the Indian
Penal Code. Learned Sessions Judge, Begusarai, by an order,



dated 24.06.2017, has allowed him the privilege of anticipatory bail.

3. This application, under Section 439(2) of the Code of Criminal Procedure, 1973, has been filed seeking cancellation of bail by the informant of the case, mainly on the ground that anticipatory bail application of similarly circumstanced co-accused, namely, Md. Sonu, was rejected by the court below and immediately, thereafter, the learned Sessions Judge has allowed the anticipatory bail application filed on behalf of opposite party No. 2.

4. On perusal of the impugned order and the allegation as made in the First Information Report, I find that there is no illegality in exercise of discretion by the court below while allowing opposite party No. 2, the privilege of bail, since there is no allegation that the fire, opened by the said opposite party, hit the informant. It is true that anticipatory bail application of other co-accused, namely, Md. Sonu, in similar circumstance, has been rejected by the court below, but grant of bail to opposite party No. 2, in the facts and circumstances of the case, does not appear to be incorrect exercise of discretion.



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

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08/08/17
Transmission Date	08/08/17

