

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40915 of 2016

Arising Out of PS.Case No. -170 Year- 2015 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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1. Shyam Rai S/o Late Ram Chandra Rai R/o village + P.O. Mahishaur,
P.S. Jandaha, Distt. - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Sujeet Kumar Rai S/o Etwari Rai R/o village + P.O. Mahishaur, P.S.
Jandaha, Distt. - Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 11.01.2017 Heard learned counsels for the parties.

Petitioner seeks cancellation of bail granted to the opposite party no.2 vide order dated 29.3.2016 passed in Cr. Misc. no. 12166/2016 in connection with Jandaha P.S. Case no. 170/2015 on the ground that opposite party no.2 and his henchmen are giving threatening to the prosecution witnesses.

Submission on behalf of the petitioner is that after release from custody opposite party no.2 as well as his supporters are giving threatening to prosecution witnesses and due to the aforesaid threatening, witnesses are scared and they are not coming to depose before the trial court. It is further submitted that several petitions were filed by the petitioner before the higher officer but up till now, nothing has been done nor any action has been taken against opposite party no.2 and, therefore, it is desirable to cancel bail bonds of opposite



party no.2 so that prosecution witnesses could depose before the trial court fearlessly.

On the other hand, learned counsel appearing for opposite party no.2 submits that mere filing of petition before police official does not prove threatening and unless enquiry is done, it can not be said that opposite party no.2 as well as his supporters are giving threatening of dire consequences to the prosecution witnesses. It is also submitted by him that mere giving threatening is not a ground for cancellation of bail.

Considering the above stated submissions as well as facts and circumstances of the case, I do not find any ground to cancel the bail granted to opposite party no.2 vide order dated 29.3.2016 passed in Cr. Misc. no. 12166/2016 and accordingly, this cancellation petition stands dismissed at the admission stage itself.

However, if the petitioner files any petition in this regard before the trial court, learned trial court shall enquire into the above stated petition and shall pass appropriate order in accordance with law. Furthermore, Superintendent of Police, Vaishali is directed to give proper protection to the prosecution witnesses of Jandaha P.S. Case no. 170/2015 so that they could depose before the trial court fearlessly.

Let a copy of this order be sent to Superintendent of Police, Vaishali for needful.

Shahid

(Hemant Kumar Srivastava,J)

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