

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52589 of 2016

Arising Out of PS.Case No. -144 Year- 2016 Thana -BELHAR District- BANKA

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Rikku Devi, wife of Chandan Kumar Singh, Resident of Village- Bahorna,
P.S. Belhar (Khesar), District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Avinash Singh @ Abhinash Singh

3. Bibhash Singh

4. Bipin Singh

All sons of Sikandra Singh, Resident of Village- Bahorna, P.S. Belhar
(Khesar), District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

Mr. Chandra Mohan Jha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

6 27-03-2017

Heard the parties.

This application has been filed for cancellation of
bail granted to opposite party Nos. 2 to 4, who are accused in
Belhar (Khesar) P.S. Case No. 144 of 2016, giving rise to Sessions
Trial No. 228 of 2016. The case discloses offence punishable
under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the



Indian Penal Code. Subsequently, Section 302 of the Indian Penal Code has also been added.

Sole ground which has been taken for cancellation of bail is that the opposite parties have been threatening the witnesses and thus tampering with the evidence. It has also been stated that the petitioner has filed a petition before the Superintendent of Police, Banka and the concerned Station House Officer in the year 2016.

Pursuant to an order of this Court, dated 19.12.2016, a report was called for from the Superintendent of Police, Banka as regards allegation of issuing threats as mentioned by the petitioner. Pursuant to the said order, dated 19.12.2016, the Superintendent of Police, Banka, based on a report submitted by the Officer-In-Charge of the concerned police station, has submitted a report and supported the allegation that the opposite parties issue threats to the informant and other witnesses.

Thereafter, *vide* an order, dated 16.01.2017, notices were issued to the said opposite parties. Counter affidavit on behalf of opposite party Nos. 2 to 4 has been filed. In the said counter affidavit the opposite parties have denied the allegation of issuing threats or in any manner interfere with the course of trial.

I have perused the report submitted by the



Superintendent of Police, Banka, based on the report of the Station House Officer, Belhar (Khesar). There is no mention of any specific time, date or place, where the opposite parties are said to have issued threats. The report is completely baseless and irresponsible. In the petition filed by the petitioner before the Superintendent of Police, Banka, there is no mention of time and place of issuance of threats by the opposite parties. This application, in my opinion, appears to be motivated.

This application has no merit, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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