

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47447 of 2017

Arising Out of PS.Case No. -138 Year- 2017 Thana -ARWAL District- JEHANABAD

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1. Dina Nath Chaudhary @ Dina Chaudhary S/o Moti Lal Chaudhary
2. Sangita Devi W/o Dina Nath Chaudhary @ Dina Chaudhary Both are
resident of Village- Umairabad, P.S. Arwal, District- Arwal.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-01-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners were granted anticipatory bail vide order dated 12.10.2017 taking into account that the offences were under Sections 498(A), 307, 341, 323 and 504/34 of the Indian Penal Code. In pursuance to the order dated 12.10.2017, the bail bond furnished on behalf of the petitioners, who were in-laws of the victim, was accepted by the court below.

By Letter No.652 of 2017 dated 15th November, 2017, it has been reported by the Chief Judicial Magistrate, Arwal that earlier the case was instituted for the offences as stated above but later on an application was filed by the Investigating Officer, supported with the Death Inquest Report of the victim/informant



namely Meena Devi and praying therein to add Section 302 of the Indian Penal Code in the F.I.R., which was allowed by the court below on 31.08.2017, which was prior to the order of grant of bail passed by this court but both the accused persons misled this court by suppressing the said fact and obtained the order dated 12.10.2017 passed by this court.

Learned counsel for the petitioners is present. It has been submitted that she had no knowledge nor she had received such instruction from her clients regarding addition of Section 302 of the Indian Penal Code in the present case.

Considering the aforesaid facts and circumstances, in the interest of justice, the bail granted to the petitioners vide order dated 12.10.2017, is hereby cancelled.

The court below is directed to take all necessary steps to secure production of the accused persons in the present case.

(Sudhir Singh, J)

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