

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32878 of 2017

Arising Out of PS.Case No. -241 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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Sanjeev Kumar, Son of Shri Sidheshwar Pandey, Resident of C/O Shri Subodh Kumar Pandey, Gali No.3 Mainpur Bagicha, LCT Ghat, Manipura, P.S. Patliputra, Town and District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Pandey, son of Late Kailash Pandey
3. Anita Kumari alias Anita Pandey wife of Shri Vijay Kumar Pandey
4. Ajay Kumar Pandey, son of Shri Vijay Kumar Pandey
5. Vinita Pandey wife of Sanjeev Kumar, Daughter of Shri Vijay Kumar Pandey All residents of near Dinkar High School, Barbigha Bus Stand, Dinkar Chowk, Barbigha, P.S. Barbigha, District Sheikhpura, Bihar
6. Kundan Kumar, Son of Shri Arun Pandey, resident of Village Sheikhpura (Ganjpar) P.S. Chandi, District Nalanda at Biharsharif presently posted as Senior Section Engineer (Construction) in the office of Dy. CSTE (Construction) Second Floor, Construction Building, N.F. Railway, Silchar, P.O. Tarapur, P.S. Tarapur, District-Cachar, (Assam)

Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Pandey

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 25-07-2017 Heard learned counsel for the parties.

The Opposite party No.5 has been made accused in Complaint Case No. 241(C) of 2017 filed by the petitioner alleging commission of the offences punishable under Sections 403, 494,497,379,504,506 and 120B of the Indian Penal Code. The petitioner is husband of Opposite party No.5.

Opposite parties No. 2,3 and 4 are father, mother and brother of Opposite party No.5.

In the complaint petition, thus, the petitioner has named



his wife, father-in-law, mother-in-law and brother-in-law as accused. It is alleged in the complaint petition that Opposite party No.5 has married Opposite party No.6 during subsistence of her marriage with the petitioner.

The said Opposite party Nos. 2 to 6 have been allowed anticipatory bail by the Court of learned Xth Additional Sessions Judge, Patna. The petitioner seeks cancellation of their bail.

The grounds which have been taken for cancellation of bail are that the court below allowed anticipatory bail on the first day of hearing without discussing the allegations made in the complaint petition.

Having considered the nature of allegation in the complaint petition, grant of anticipatory bail by the Court below is fully justified. Filing of the present application for cancellation of bail is frivolous and abuse of the process of the Court. It deserves to be dismissed accordingly with cost which is assess to be of Rs.25,000/-

The petitioner is directed to pay Rs. 5000/- each to Opposite parties No. 2 to 6 within a period of two months from today.

This application stands dismissed.

ArunKumar/-

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(Chakradhari Sharan Singh, J)

