

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40428 of 2017

Arising Out of Case No. -1707 Year- 2016 Thana -PATNA COMPLAINT CASE District- PATNA
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Preeti Upadhyay @ Preeti Chaturvedi @ Chaturvedi, W/o Dushyant Upadhyay @ Depu, Daughter of Shambhu Nath Choubey, at present residing at Ram Nath Apartment, Flat No.402-B, I.A.S. Colony, Kidwaipuri, P.O.- GPO, P.S.- Kotwali, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nandjee Upadhyay, S/o Late Ganpat Upadhyay,
3. Manju Upadhyay, W/o Nandjee Upadhyay, Both resident of Village- Sato Awanti (Chaparang), P.O.+P.S.- Nuaon, District- Kaimur, at present residing at Flat No. A-304, The Orient, Plot No.12-B, Road Pali, Sector-20, P.S.- Kalamboli, Navi Mumbai- 410218.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Arun Kumar Lal

For the Opposite Party/s : Mr. Aditya Narayan Singh 1
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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 30-08-2017 This application, under Section 439(2) of the Cr.P.C., has been filed for cancellation of bail order dated 22.04.2017 granted by the SDJM, Patna in Complaint Case No. 1707(C) of 2016. There is concurrent jurisdiction of the court of Sessions as well as this Court for cancellation of bail under aforesaid section. As this application for cancellation of bail is filed against order passed by the court of the S.D.J.M., so the petitioner requires to file application for cancellation of bail before the court of Sessions Judge, Patna. When two forums are available then certainly it is a



matter of propriety for the party to first approach the lower forum, except in rare and exceptional circumstance, by doing that party gets double remedy.

This application stands disposed of with aforesaid observation.

(Arun Kumar, J)

Sujit/-

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