

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7948 of 2017

Arising Out of PS.Case No. -20 Year- 2016 Thana -GORIAKOTHI District- SIWAN

- =====
1. Umarawati Devi, W/o Mofil Sharma, R/o village- Sisai Tarkul Tola,
P.S.- Goreakothi, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kewal Devi, W/o Hansnath Mahto, R/o village- Sisai Tarkul Tola,
P.S.- Goreakothi, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 12-04-2017

Heard learned counsel for the petitioner and the
learned APP for the State.

This application has been filed under Section 439(2)
of the Code of Criminal Procedure for cancellation of bail of
Kewal Devi-Opposite Party No.2 granted by this Court by order
dated 20.01.2017 passed in Cr. Misc. No.31954 of 2016.

The main ground taken by the petitioner in this
application for cancellation of bail is that during hearing of bail
petition wrong submission was made on behalf of the Kewal Devi-
Opposite Party No.2 that Vikash Mahto is in custody, whereas,
correct fact was that Vikash Mahto was not in custody on that
date. He has surrendered in the Court below on 14.02.2017 after



passing order by this Court.

From perusal of the order dated 20.01.2017 passed in Cr. Misc. No.31954 of 2016, it appears that while granting bail to Kewal Devi-Opposite Party No.2, merits of the case and the materials available in the case diary was also discussed. It does not appear that bail was granted to Kewal Devi-Opposite Party No.2 only on the ground that Vikash Mahto was in custody.

In such circumstances, this Court does not find any merit in the application.

Accordingly, the application is dismissed.

(Sanjay Priya, J)

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