

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27718 of 2016

Arising Out of PS.Case No. -1245 Year- 2015 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

=====

Kusum Kumari W/o Ashwani Kumar, Presently Teacher Middle School
Chilhar, P.S.- Azimabad, District- Bhojpur, Permanent Address: East Co-
operative Colony Godhana Road, Ara, P.S- Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shio Nandan Sah, S/o Late Biku Sah, Resident of Village- Tarachak,
P.S- Azimabad, District Bhojpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Durgesh Nandan, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 26-04-2017 Heard learned counsel for the petitioner, learned

counsel appearing for opposite party no.2 and the learned A.P.P.

for the State.

The present application has been filed for
cancellation of bail granted to opposite party no.2, Shio Nandan
Sah by this Court vide order dated 23.02.2016 passed in Cr. Misc.
No. 8031 of 2016.

The only ground for cancellation of bail is that
opposite party no.2 had stated in his bail application that he had no
criminal antecedent although it is submitted that opposite party
no.2 had criminal antecedent as Azimabad P.S. Case No. 28 of



2010 registered for the offence under Sections 409, 379 and 411 of the India Penal Code is pending against him. He thus submits that on mischievous and false pretext bail had been obtained by opposite party no.2.

Learned counsel for the opposite party no.2 has filed counter affidavit stating therein that the affidavit was sworn by his son, Sintu Kumar, who is studying out side and preparing for competitive examination did not know about the antecedent, hence, due to mistake of fact, it was inadvertently omitted.

The allegation levelled by the petitioner against opposite party no.2 in the prosecution case, which is Complaint Case No. 1245 C of 2015 pending in the Court of learned Judicial Magistrate 1st Class, Ara, Bhojpur is that she being a Teacher and opposite party no.2 being Headmaster had some differences, hence, allegation was made against opposite party no.2, which is punishable under Section 354 of the Indian Penal Code. While hearing the bail application of opposite party no.2, this Court after taking into consideration all the materials had granted the privilege of bail to him. The antecedent mentioned, which is Annexure-3 to this application, is not under the relevant sections for which present complaint case was lodged by the petitioner and considering the entire materials the earlier order was passed. Hence, there is no



ground to interfere with the order dated 23.02.2016 passed in Cr.
Misc. No. 8031 of 2016.

This application is, accordingly, rejected.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

