

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51314 of 2014

Arising Out of PS.Case No. -18 Year- 2013 Thana -SIKTA District-
WESTCHAMPARAN(BETTIAH)

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1. Jokhu Sah S/o Late Bharat Sah Resident of Village Laxmipur, Police Station
Sikta, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amitabh Kumar @ Abhitabh Kumar @ Bhushan Prasad S/o Rajendra Prasad
Resident of Village Laxmipur, Police Station Sikta, District West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No. 7

For the Opposite Party/s : Mr. Umeshanad Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 27-11-2017

The petitioner is aggrieved by the order dated 17.10.2014 passed in Criminal Miscellaneous No. 11 of 2014 by the learned Sessions Judge, West Champaran at Bettiah as well as the order dated 15.01.2014 passed by the learned Chief Judicial Magistrate, West Champaran at Bettiah by which the Opposite Party No. 2 has been enlarged on bail vide order dated 23.12.2013 in terms of the observation made by this Court in Criminal Miscellaneous No. 27411 of 2013.

Counsel for the petitioner has submitted that this Hon'ble Court has made observation on 23.12.2013 that let Opposite Party No. 2 surrender in the court below within four weeks from the date of



receipt / production of copy of this order and thereafter, the same treatment be given to petitioner as has been given to Rudal Sah. The Opposite Party No. 2 accordingly surrendered before the learned C.J.M., Bettiah, West Champaran on 15.01.2014. The learned C.J.M, Bettiah, West Champaran has, by order dated 15.01.2014 after relying on the observation of the Hon'ble Court, made in Criminal Miscellaneous No. 27411 of 2013, granted bail to Opposite Party No. 2 on the same day on the ground that Rudal Sah has already been granted regular bail in this case.

The aforesaid order has been challenged by the petitioner before the learned Sessions Judge by filing Criminal Miscellaneous No. 11 of 2014 to cancel the bail bond of the Opposite Party No. 2 as the court below did not appreciate properly the observation of the Hon'ble Court, but the Sessions Judge has rejected the aforesaid petition.

This Court after looking into the observation made by the Court in order dated 23.12.2013 passed in Criminal Miscellaneous No. 27411 of 2013, finds that Court has observed that Opposite Party No. 2 on surrender in the court below be given the treatment as given to Rudal Sah. It is also mentioned in the aforesaid order in first paragraph that Rudal Sah has been admitted to the privilege of regular bail. In such circumstances, the learned C.J.M. after relying on the



observation of the Hon'ble Court granted bail to Opposite Party No. 2 on the same day on his surrender as Rudal Sah has already been granted privilege of regular bail.

Therefore, this Court does not find any illegality in the order dated 15.01.2014 passed by learned Chief Judicial Magistrate, Bettiah as well as the order dated 17.10.2014 passed by learned Sessions Judge dated 17.10.2014. Accordingly, this application is dismissed.

(Sanjay Priya, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
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