

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5632 of 2017

Arising Out of PS.Case No. -38 Year- 2016 Thana -MAHILA P.S. District- PATNA

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1. Anjali Bharati, D/o Binay Kumar Singh, Resident of Village- Kiranpur, P.S.- Shahkund, District- Bhagalpur, at present Mohalla- Laxminagar, P.S.- Agamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shyam Chandra Bind S/o Late Sudama Bind.
3. Manju Devi, W/o Shyam Chandra Bind. Both of them are Resident of Village- Shallalpur, Police Station- Daniyawan, District- Patna.
4. Sanjay Kumar S/o Sunil Prasad.
5. Veena Kumari @ Vinnu W/o Sanjay Kumar. Both of them are Resident of Village- Baradih, Police Station- Muffasil, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ranjit Ranjan

For the Opposite Party/s : Ms. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 20-06-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

The Opposite Party Nos. 2 to 5 are the in-laws of the petitioner. They have been made accused in Mahila Police Station Case No. 38 of 2016, registered for the offences punishable under Sections 307/498A/504/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. They have been allowed privilege of anticipatory bail by the order, dated 01.08.2016, passed, in ABP No. 4950 of 2016, by learned Sessions Judge, Patna.

This application has been filed for cancellation



of bail granted to the said Opposite Party Nos. 2 to 5.

The only plea, which has been taken on behalf of the petitioner for cancellation of bail, is that there was misrepresentation on their behalf while seeking anticipatory bail before the learned Sessions Judge, Patna. There is no allegation of any misuse of privilege of bail granted to them by the said Opposite Party Nos. 2 to 5. The Opposite Party Nos. 2 to 5 are distant relatives.

On perusal of the materials on record, I am of the considered view that filing of the present application for cancellation of bail, granted by the learned Sessions Judge, Patna, to the said Opposite Party Nos. 2 to 5, is misuse of the process of the Court.

This application has absolutely no merit. No case for cancellation of bail is made out in the absence of any allegation of misuse of privilege of anticipatory bail.

This application is accordingly dismissed with a cost of Rs. 10,000/- to be deposited by the petitioner in the account of the Bihar State Legal Services Authority within a period of one month from today.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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