

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28665 of 2017

Arising Out of PS.Case No. -86 Year- 2015 Thana -MARANCHI District- PATNA

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Manoj Kumar, S/o Bhawani Prasad Singh, R/o Village- Maranchi (Tola, Teen Bhaiya), P.O. + P.S.- Maranchi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Dharmendra Kumar @ Dharmendra Mahto, S/o Geeta Mahto, R/o Village + P.O. + P.S.- Maranchi (Nepal Tola), District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-06-2017 The opposite party No. 2 has been allowed regular bail by the Court of learned Addl. Sessions Judge-I, Barh, in B.P. No. 104 of 2017, arising out of Maranchi P.S. Case No. 86 of 2015, registered for the offence punishable under Sections 406, 417, 420 and 34 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

This application has been filed seeking cancellation of bail, so granted to opposite party No. 2, on behalf of the petitioner, who is the informant.



Learned counsel, appearing on behalf of the petitioner, has submitted that since the anticipatory bail application filed on behalf of opposite party No. 2 was twice rejected by this Court, the court below ought not to have released him on bail. He has further submitted that considering the nature of offence, the court below ought not to have allowed opposite party No. 2 the privilege of regular bail.

I do not find any force in the submission so advanced on behalf of the petitioner. There is no specific allegation of misuse of privilege of bail, requiring this Court to invoke power of cancellation of bail under Section 439(2) of the Code of Criminal Procedure.

This application has no merit and is, accordingly, dismissed.

It goes without saying that the court below should make endeavour to get the trial expedited.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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