

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6773 of 2017

Arising Out of PS.Case No. -24 Year- 2016 Thana -KHAZANIHAT District- PURNIA

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1. The State Of Bihar Through The Superintendent, Purnea

.... Petitioner/s

Versus

1. Awdhesh @ Awdhesh Mandal @ Awdhesh Kumar Mandal aged about 43 years S/o late Arjun Mandal Of Village - Bhitha, P.S.-Bhawanipur, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukeshwar Dayal

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 13-02-2017 Heard learned Counsel for the petitioner-State of Bihar.

The State of Bihar, through the Superintendent of Police, Purnea, has preferred this application for cancellation of bail granted to the Opposite Party by the learned Sessions Judge, Katihar, in connection with K. Hat (Maranga) Police Station Case No. 24 of 2016. In the said case, the Opposite Party is an accused of offences punishable under Sections 147, 149, 323, 324, 225, 353 and 186 of the Indian Penal Code.

The plea, which has been taken for cancellation of bail, is that Opposite Party is a history sheeter and is facing criminal prosecution in, at least, 45 criminal cases,



details of which has been given in paragraph 6 of the application.

On perusal of the list of criminal cases so furnished in paragraph 6, I find that none of the case(s) has been instituted after the concerned K. Hat (Maranga) Police Station Case No. 24 of 2016 in which the opposite party has been granted bail. Therefore, the State cannot have a grievance that after having been released on bail in the present case, he has committed any cognizable offence. Secondly, this is not in dispute that maximum sentence prescribed for offence punishable under Section 353 of the Indian Penal Code is imprisonment for a period of two years.

I do not find that the State of Bihar has made out any case for cancellation of bail of Opposite Party.

This application is accordingly rejected.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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