

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43074 of 2016

Arising Out of P.S. Case No. -56 Year- 2016 Thana -FATUHA District- PATNA

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1. Veera Devi, wife of Late Brij Nath Singh, Resident of
Village- Fatehpur, P.S.-Raghopur, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Satya Prakash @ Satya, son of Shashi Bushan Rai, R/o
Village- Alampur, P.S. Didarganj, District-Patna.

3. Sunil Kumar @ Bhaisiya. son of Late Jagdish Prasad. R/o
Mohalla-Meera Bazar, P.S.-Alamganj. District-Patna.

4. Raushan Kumar, son of Bhagwan Rai, R/o Village-
Ganjpar, P.S.-Athmalgola, District-Patna.

5. Amarjeet Kumar @ Bablu @ Dablu, son of Rai R/o Moh.
Harnichak, P.S.-Beur, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the O.P. Nos. 2, 3 & 5 : Mr. Ashok Kr. Chaudhary, Adv.

For the State : Mr. Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 09-01-2017

A *Vakalatnama* has been filed on behalf of
opposite party Nos. 2, 3 and 5. Let the same be kept on
the record.

Heard learned counsel for the petitioner,



learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of opposite party Nos. 2, 3 and 5.

By an order, dated 03.06.2016, passed by the learned Addl. Sessions Judge-I, Patna, opposite party Nos. 2 to 5 have been granted regular bail in connection with Fatuha P.S. Case No. 56 of 2016, registered for the offences punishable under Sections 302, 307, 427 and 120(B) of the Indian Penal Code.

This application, under Section 439(2) of the Code of Criminal Procedure, 1973, has been filed seeking cancellation of bail so granted to opposite parties mainly on two grounds. Firstly, it is the case of the petitioner that though opposite party No. 5 is named in the First Information Report, he has been granted the privilege. Secondly, opposite party Nos. 2 to 5 are said to have threatened the petitioner, who is the informant of the case.

I have perused the First Information Report. Exercise of discretion by the learned court below, granting privilege of bail to opposite party Nos. 2 to 5, cannot be said to be unjustified. Further, the plea that opposite parties are threatening the petitioner or other witnesses is quite vague and cannot be a ground for cancellation of



bail in the facts and circumstances of the case.

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

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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