

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32843 of 2017

Arising Out of PS.Case No. -150 Year- 2017 Thana -SARAIYA District- MUZAFFARPUR

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1. Siya Ram Rai, S/o Sri Ram Pukar Rai, R/o Village- Mahammadpur,
P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajdeo Rai, S/o Late Nirsu Rai, Village- Mahammadpur, P.S. Saraiya,
District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 24-07-2017 Heard learned counsel for the parties.

The Opposite party No.2 has been allowed anticipatory bail by the Court of learned Sessions Judge, Muzaffarpur, in connection with Saraiya P.S. Case No. 150 of 2017, registered for the offence punishable under Sections 341,323,324,307,379 and 447/34 of the Indian Penal Code.

This application has been filed for cancellation of bail by the petitioner, who is informant of the case.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner had sustained grievous injury and a case under Section 307 of the Indian Penal Code is clearly made out on the basis of what has been alleged in the First Information



Report. It is trite to mention that consideration for grant of bail and cancellation of bail are entirely different. Once bail has been granted by a Court, such bail can and should be cancelled only if there is specific material showing misuse of privilege of bail by threatening the witnesses or tampering with the evidence. It is true that the bail can be cancelled also on the ground that considering the gravity of the matter, bail ought not to have been granted. In the present case, I do not find wrong exercise of discretion, allowing the Opposite party No.2 privilege of anticipatory bail.

Considering the above, I do not find any merit in this application and this application is accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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