

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53478 of 2017

Arising Out of PS.Case No. -103 Year- 2017 Thana -KADWA District- KATIHAR

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Mursida Khatoon Wife of Anwarul Haque Daughter of Obedur Rahman
Resident of village- Ratni, P.S.- Kadwa, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Anwarul Haque Son of Late Nazmul Haque Resident of village- Ratni,
P.S.- Kadwa, District- Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-02-2018 The petitioner seeks cancellation of bail of opposite party No. 2 which has been granted to him by order dated 31.08.2017 in B.P. No. 715 of 2017 by the learned 3rd Additional Sessions Judge, Katihar in connection with Kadwa P.S. Case No. 103 of 2017 instituted for the offences under Sections 498(A), 323, 504, 506 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act on the ground that even when the opposite party No. 2 had remained in jail for about a month, the Court took the view that he had remained in jail for about a year.

Perused the order impugned.

The last part of the order reads as hereunder:-

“However merely there is allegation of torturing and demanding the informant no body can be put behind the bar for infinite period and since this accused petitioner who has been arrested by the police on dt.



13.07.2017 remanded to jail and since then he is in jail custody for more than one year.

Considering the period of custody and nature of allegation the petitioner is hereby ordered to be released on bail on furnishing bail bond of Rs. 5000/- with two sureties of the like amount each subject to the condition that after submission of charge sheet by police he will co operate in trial.

Since the exact date of arrest and remand in custody was stated by the Court below, the reference of one year in the order can only be explained as slip of the pen. This cannot be a ground for cancellation of bail of opposite party No. 2.

No other good ground has been raised by the learned counsel for the petitioner for cancellation of bail of opposite party No. 2.

The petition is misconceived and is dismissed.

(Ashutosh Kumar, J)

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