

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3741 of 2015

Arising Out of PS.Case No. -50 Year- 2009 Thana -BOCHHA District- MUZAFFARPUR

1. The State Of Bihar

.... Petitioner/s

Versus

1. Sujeet Kumar S/O Dinesh Sah Resident of vill-Rahasi, P.S-Bochahan,
Distt.-Muzaffarpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmeshwar Mehta

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

12 17-01-2018 Heard the learned counsel for the petitioner and the

State.

The present petition has been preferred by the State seeking cancellation of bail granted to opposite party no. 2 by order dated 11.09.2009 passed in Cr. Misc. No. 24691 of 2009 on the ground that during the pendency of the case against the petitioner, the petitioner was again made an accused by the same informant in the year 2012. In the case in which the opposite party no. 2 was made accused, he was alleged to have given blow on the head of the informant by means of hard and blunt substance. For the aforesaid act of assault, the petitioner went to jail and it appears that after remaining in jail for about five months, he was granted bail by a Bench of this Court as referred to above. After



about three years of the aforesaid occurrence, the petitioner was again made one of the accused in Bochahan P.S. Case No. 99 of 2012 dated 22.06.2012 which was instituted for the offences under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

From the averments made in both the FIRs viz. Bochahan P.S. Case No. 50 of 2009 and Bochahan P.S. Case No. 99 of 2012, it appears that there is some dispute over a plot of land over which the informant as well as the petitioner have staked competing claims. That apart, there is nothing in the order dated 11.09.2009 to suggest that if the petitioner would be made accused in any other case in which the informant of this case would an aggrieved party, his bail would be cancelled.

It is not uncommon that for land dispute, cases are filed by the parties against each other. The allegations levelled in both the FIRs do not indicate that any diabolical measure was adopted by the petitioner.

This Court has also been informed that despite intimation to the opposite party no. 2, he had not been appearing in this case and therefore legal aid was provided to him. It has also been stated before this Court that in the case of 2012 also, (later case) the opposite party no. 2 has been granted bail.



Considering the aforesaid facts, this Court feels that no good ground has been made out by the State for cancellation of bail of the opposite party no. 2.

The present petition is, accordingly, dismissed.

(Ashutosh Kumar, J)

KKSINHA/-

U		T	
---	--	---	--

