

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46120 of 2012

Arising Out of PS. Case No.-114 Year-2011 Thana- BHAGWANPUR District- Vaishali

Lalit Kumar Pandey S/O Dev Kinandan Pandey R/O Village - Rampur,
Thana Bhagwanpur, Distt. - Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Munna Kumar Pandey S/O Shyam Nandan Pandey R/O Village - Rampur,
Thana Bhagwanpur, Distt. - Vaishali
3. Raushan Kumar Pandey S/O Shyam Nandan Pandey R/O Village - Rampur,
Thana Bhagwanpur, Distt. - Vaishali
4. Sushil Kumar Pandey S/O Yadunandan Pandey R/O Village - Rampur,
Thana Bhagwanpur, Distt. - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Mishra
For the Opposite Party/s : Mr. Veena Rani Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-09-2018

Heard learned counsel for the parties.

The present application has been filed for cancellation of anticipatory bail of O.P. Nos. 2 to 4 granted vide order dated 1.3.2012 passed in Cr. Misc. Nos. 5623 of 2012 and 7889 of 2012 in connection with Bhagwanpur P.S. Case No. 114 of 2011.

The factual matrix of the case is that O.P. Nos. 2 to 4 preferred Cr. Misc. Nos. 5623 of 2012 and 7889 of 2012 with a prayer for anticipatory bail in the above mentioned case registered for the offences punishable under Sections 147,148,149,307 and 302 of the IPC. It is alleged that the petitioners caught hold of the brother of the victim, when the



O.P. Nos. 2 to 4, namely Munna Kumar Pnadey, Raushan Kumar Pandey and Sushil Kumar Pandey assaulted the deceased. However, the postmortem report reflected only one injury. It is alleged against the opposite parties Munna Pandey and Raushan Kumar Pandey to have assaulted the mother of the informant also, but the injury of the informant's mother was found to be simple. Since the accusation did not get corroborated by the medical opinion, hence the O.P. Nos. 2 to 4 were granted bail.

The ground for cancellation of bail of O.P. Nos. 2 to 4, as submitted by learned counsel for the petitioner is that, subsequently, a case vide Bhagwanpur P.S. Case No. 22.5.2012 was registered against them for the offences punishable under Sections 341,323,379 and 504/34 of IPC.

Considering the nature of accusation levelled in the subsequent case coupled with the fact that there is nothing on record to suggest that in between 2012 and 2018, there was any misuse of bail by O.P. Nos. 2 to 4, this Court is not inclined to interfere in the matter as the parameters of grant of bail and its cancellation are quite distinct. There is nothing on record to suggest that the O.P. Nos. 2 to 4 are tempering the evidence or threatening to witnesses.



This application is accordingly dismissed.

(Dinesh Kumar Singh, J)

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