

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33190 of 2018

Arising Out of PS. Case No.-872 Year-2014 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Gopal Prasad Son of Late Panna Lal Prasad Resident of Village - Raxaul,
Naga Road, Ward No. 22, Police Station - Raxaul, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anjani Kumar Son of Sri Jawahar Prasad Resident of Village - Ramnagar,
Police Station - Bakhtiyarpur, District - Patna, presently posted at S.T.F.,
(S.O.G.-2), Muzaffarpur.
3. Braj Bhushan Prasad Son of Sri Ram Nath Prasad Resident of Village -
Badaki Nainijor, Police Station - Nainijor, District - Buxar, presently posted
as JC/683, S.T.F. , Muzaffarpur.
4. Umesh Dubey Son of Sri Kashi Nath Dubey Resident of Village -
Gobardhanpur, Police Station - Akauri Gola, District - Rohtas, Presently
posted as D.J.C./10, S.T.F., Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh
For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 12-09-2018 Heard both sides.

The petitioner has filed this petition for cancellation
of bail to the opposite party nos.2 to 4 who were granted
anticipatory bail vide order dated 21.02.2018 passed in Cr.
Misc. No.8641 of 2018.

The petitioner filed Complaint Case No.872-C of
2014 under Sections 147, 149 and 379 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner made allegation that the opposite parties apprehended



the employees of the complainant in connection with Rail Narkatiaganj P.S. Case No.27 of 2014 under Sections 414/34 of the Indian Penal Code. The opposite parties recovered 41 Kgs. of silver from the possession of accused of Rail Narkatiaganj P.S. Case No.27 of 2014 but they showed the recovery of only 13 Kgs. of silver from the possession of the employees of the petitioner and the accused persons misappropriated 28 Kgs. of silver. It is submitted that the opposite parties were granted bail after hearing the learned counsel for the complainant but after grant of bail by this Court, the opposite parties came to the shop of the petitioner and threatened, for that the petitioner filed informatory petition before the Sub-divisional Officer, Raxaul, East Champaran. It is submitted that the petitioner has got every apprehension that the opposite parties may take the law in their hands on account of fact that petitioner filed complaint against them but I find that the opposite party nos.2 to 4 were granted anticipatory bail on the ground that there was no material to show that 41 Kgs. of silver was recovered from the possession of the employees of the petitioner. The petitioner after institution of Rail Narkatiaganj P.S. Case No.27 of 2014 filed complaint and after enquiry sufficient material was found to proceed against opposite party nos.2 to 4 and others.



I find no ground to cancel the bail granted to the opposite party nos.2 to 4. Accordingly, this criminal miscellaneous petition for cancellation of bail is dismissed.

(Prabhat Kumar Jha, J)

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