

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42582 of 2017

Arising Out of PS.Case No. -484 Year- 2014 Thana -SARAIYA District-
MUZAFFARPUR

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Sahnaz Khatoon, W/o Naushad Alam, R/o Village -
Gorigawan, P.O. - Repura Mahadeo, P.S. - Saraiya, District -
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rabia Khatoon, W/o Kamruddin.
3. Niyaz Ahmed, S/o Hadish Miyan.
4. Hadish Miyan, S/o Ruman Miyan.

O.P. Nos. 2 to 4 are residents of Village - Gorigawan, P.O.
Repura Mahadeo, P.S. Saraiya, District - Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 21-02-2018 The opposite party Nos. 2 to 4 were granted
anticipatory bail by order 14.09.2015 by the learned
Sessions Judge, Muzaffarpur in Anticipatory Bail Petition No.
1833 of 2015. While granting anticipatory bail, the court
below took into account that the allegation of assault on the
stomach of the informant, resulting in her abortion, was on



co-accused Ajibun Khatoon, who happened to be the sister-in-law of the petitioner. The court below also took note of the fact that the opposite parties (accused persons) were co-villagers and that nothing specific was alleged against them.

The petitioner challenged the aforesaid order of grant of anticipatory bail before the learned Sessions Judge, Muzaffarpur in Cr. Misc. No. 122 of 2015.

The court below *vide* order dated 07.04.2017, dismissed the aforesaid petition and recorded that grant of bail is one thing, whereas cancellation is other.

There has to be reasonable grounds for cancellation of bail and the grounds suggested by the petitioner for cancellation of bail of opposite party Nos. 2 to 4 were not at all tenable.

Learned counsel for the petitioner has submitted that the statement that the opposite party Nos. 2 to 4 were only co-villagers was incorrect as apart from being co-villagers, they are also related with said Ajibun Khatoon, the main accused, and, therefore, related to the petitioner as well. It has been further submitted that the police got in collusion with the accused persons and, therefore, submitted final form false. The Investigating Officer did not record the statement of the witnesses in correct prospective.

But, the learned Chief Judicial Magistrate,



differing with the police report, has already taken cognizance against the opposite parties.

No good ground has been made out for interfering with the order granting bail as well as the order refusing to cancel the bail of opposite party Nos. 2 to 4.

As such, this petition is dismissed.

(Ashutosh Kumar, J)

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