

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41453 of 2017

Arising Out of PS.Case No. -388 Year- 2014 Thana -MADHEPURA COMPALINT CASE

District- MADHEPURA

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Anita Devi, wife of Manoj Pandit, Resident of Village-
Amouna, Bishanpur, P.S.- Gwalpara, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Dilip Pandit, son of Tarni Pandit, Resident of Village-
Bishanpur Amouna, P.S.- Gwalpara, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. S.M. Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

- 3 21-02-2018 The opposite party No. 2, who is the brother-in-law of the petitioner, was made accused at her instance for the offences under Sections 341, 323, 354 and 506 of the Indian Penal Code. On her written complaint, a case *vide* Gwalpara P.S. Case No. 7 of 2013 was instituted under the aforesaid sections in which after investigation the police submitted final report false. The case was found to have been lodged because of dispute between the parties. However, the Court acting on the protest of the petitioner, treating the same as complaint, registered a complaint case



in which cognizance was taken against the opposite party No. 2 under Sections 354(B), 504 and 506 of the Indian Penal Code.

From the record, it appears that the learned Judicial Magistrate while granting bail to the opposite party No. 2 did not send notice to the complainant/petitioner. The petitioner, thereafter, challenged the aforesaid order granting bail to the opposite party No. 2 and sought its cancellation before the learned District & Sessions Judge, Madhepura in Cr. Misc. No. 11 of 2016, which too was dismissed.

Both the courts below have taken into account that there was an earlier land dispute between the parties as also that there existed a special relationship between the petitioner and opposite party No. 2. That apart, the case on investigation was found to be false.

The learned Sessions Judge has rightly stated that notice ought to have been sent to the complainant/petitioner, while hearing the bail petition but on that ground alone, bail which has been granted on merits of the case, cannot be cancelled.

This Court finds no reason to interfere with the order granting bail to the opposite party No. 2 as well as the order refusing to cancel the bail granted to the opposite



party No. 2.

The present petition is, therefore, dismissed.

(Ashutosh Kumar, J)

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