

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21063 of 2017

Arising Out of PS.Case No. -14 Year- 2016 Thana -HUSAINGANJ District- SIWAN

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Ali Ahmad, S/o Nabi Ahmad, resident of Village- Piaur, P.S.- M.H. Nagar,
Hussainganj, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar.
2. Tuntun Sah, S/o Baidhnath Sah, resident of Village- Piaur, P.S.- M.H. Nagar, District- Siwan.

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Subesh Pandey, Advocate Mr. Ajay Kumar Tiwary, Advocate.
For the State	:	Mr. Atul Chandra, APP
For the Opp. Party No.2	:	Mr. Ajay Kumar Pandey, Advocate Mr. Sandeep Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

8 31-01-2018 This Criminal Miscellaneous has been filed for cancellation of bail granted to the opposite party no.2 Tuntun Sah in Cr. Misc. No. 31578 of 2016 in connection with Hussainganj P.S. Case No. 14 of 2016, on the ground that the opposite party no.2 after getting bail is continuously making an attempt to hamper the case and the trial of the said case and caused threats to withdraw the said case and to give an amount of Rs. 1,00,000/- as rangdari otherwise to kill the petitioner's brother and other family members. They opened fire in air and caused threats and for that information was given to the police station and the police came at the place of occurrence and seized the empty cartridges of pistol



from the place of occurrence but no case was registered then Complaint Case No. 2325 of 2016 has been filed wherein cognizance has been taken under sections 385, 386, 120 (B), 504 and 34 of the I.P.C against the opposite party no.2. There is no chance of fair trial due to fear of the opposite party no.2 and as such the bail granted by order dated 15.09.2016 to the opposite party no.2 be cancelled.

On behalf of the opposite party no.2 show cause has been filed stating therein that Criminal Miscellaneous for cancellation of bail has been filed on wrong allegations. The opposite party no.2 is a very poor person and he has a tea shop and anyhow he is managing his livelihood. He has been falsely dragged in Hussainganj P.S. Case No. 14 of 2016 and further after 12 days of the alleged occurrence Complaint Case No. 2325 of 2016 was filed wherein also the opposite party no.2 has been dragged falsely. Cognizance has been taken in the routine and mechanical manner. Only with a view to harass the opposite party no.2 the petitioner has filed petition for cancellation of bail. The opposite party no.2 is obeying the conditions imposed by this Court at the time of granting bail. Up till now three prosecution witnesses have been examined without any hindrance and as such the petition is fit to be rejected.



Heard both the learned counsels and perused the record.

Besides the Complaint Case No. 2325 of 2016 nothing specific has been brought on the record to show that the opposite party no.2 is indulged in causing threats to the petitioner, his family members and the prosecution witnesses. In presence of opposite party no.2 three prosecution witnesses have already been examined without fear and any problem and as such finding no merit in this Criminal Miscellaneous for cancellation of bail, the same stands dismissed.

(Jitendra Mohan Sharma, J)

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