

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50168 of 2017

Arising Out of PS. Case No.-266 Year-2015 Thana- PARWATTA District- Khagaria

Bind Nath Yadav Son of late Ghutar Yadav Resident of Village- Arariya,
Police Station- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Barun Yadav Son of Ramdeo Yadav
3. Binod Yadav Son of Ramdeo Yadav Both Sl. No. 2 and 3 resident of Village-
Arariya, Police Station- Parbatta.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranvijay Singh
For the Opposite Party/s : Mr. Sri Nityanand

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 16-05-2018 The opposite parties no. 2 and 3 were granted bail by the learned Additional Sessions Judge, 3rd Khagaria in Bail Application No. 1026 of 2015 in connection with Parbatta P.S. Case No. 266 of 2015 for the offences under Sections 387, 379 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

In the aforesaid case, it was alleged by the petitioner/informant that on gun point Rs. 10,000/- was demanded from him and on the inability of the petitioner/informant to pay that money, the pumping set of the petitioner, kept in the field, was taken away.

Considering the fact that the occurrence was of 09.06.2015 but the case regarding the same was lodged on 31.08.2015 and also taking into account that the



opposite parties no. 2 and 3 were in custody about for 18 days on the date when the bail petition was moved, the court below granted bail by order dated 21.09.2015 to opposite parties no. 2 and 3. Later, the petitioner/informant filed an application vide Cr. Misc. No. 25 of 2015 seeking cancellation of bail of opposite party no. 2 and 3.

The ground raised by the petitioner before the court below for cancellation of bail of opposite parties no. 2 and 3 was that the opposite parties no. 2 and 3 did not state before the court below that they were accused in many cases from before and that after being released on bail, they will start tampering with the evidence and threatening the witnesses.

The learned Additional Sessions Judge, 3rd Khagaria vide his order dated 26.07.2017 rejected such petition of the petitioner/informant on the ground that such allegations are only oral assertions without there being any corroborative evidence to support the aforesaid allegations.

The aforesaid order dated 26.07.2017 is in challenge in the present petition.

After going through of the records, this Court is of the view that the bail was rightly granted to the opposite parties no. 2 and 3. No fault is also found with



the order dated 26.07.2017 whereby the petition seeking cancellation of bail of opposite parties no. 2 and 3 was rejected. The opposite parties no. 2 and 3 were made accused in several cases but bail in the present case was granted on the accusation levelled against them in the FIR and the delay in lodging the FIR. No positive evidence has been brought on record by the petitioner/informant for ascertaining that the opposite parties no. 2 and 3 are tampering with the evidence or are threatening the witnesses.

The petition is without merits and the same is therefore dismissed.

(Ashutosh Kumar, J)

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