

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10984 of 2018

Arising Out of PS. Case No.-65 Year-2017 Thana- MAHILA P.S.

District- Rohtas

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Najnin Khatoon, Daughter of Md. Bashir, Resident of Mohalla-
Barah Pathar Kureshi Tola, P.S. Dehri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Zamir @ Tinku, Son of Md. Sadique @ Zafar, Resident of
Mohalla- Neel Kothi, P.S. Dehri, District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 05-11-2018 The petitioner seeks cancellation of bail of O.P. No.

2 which was granted by order dated 18.12.2017 passed by

the learned Additional Sessions Judge, VIII, Rohtas at

Sasaram in A.B.P No. 2192 of 2017.

The F.I.R has been lodged by the petitioner

alleging that while purchasing a mobile set from the shop of

the O.P. No. 2, she became acquainted with him. Taking

advantage of the aforesaid acquaintance, he sexually

exploited her and ultimately refused to marry. Later, when

the petitioner/informant learnt that the marriage of the O.P.



No. 2 was fixed with another woman, the present case has been lodged.

On perusal of the order dated 18.12.2017, it appears that the learned Court below granted anticipatory bail to O.P. No. 2 on the ground that the petitioner as well as O.P. No. 2 are majors and that the brother of O.P. No. 2 had earlier filed an informatory petition/SDE No. 241 of 2017 dated 07.09.2017 expressing apprehension that his family members could be implicated in a false case because of non-solemnization of marriage of the petitioner with the O.P. No. 2.

The learned counsel for the petitioner has submitted that these could not have been the ground for grant of anticipatory bail to an accused in a case of rape and that also successively.

From the F.I.R, it appears that no details have been given as to when had the first sexual encounter taken place. The F.I.R appears to be vague.

True it is that one of the grounds viz. the informatory petition of the brother of O.P. No. 2 may not be



of such veracity that it should not have been accepted but considering the totality of the circumstances, no fault is found with the order impugned. Grant of bail is one thing and cancellation is another. Very cogent grounds have to be given and canvassed for canceling a bail which has already been granted to the accused. No good ground has been made out by the learned counsel for the petitioner for this Court to interfere with the order impugned.

The petition is, therefore, dismissed.

(Ashutosh Kumar, J)

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