

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.958 of 2018

Arising Out of PS.Case No. -164 Year- 2017 Thana -RIGA District- SITAMARHI

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Chinta Devi Wife of Dev Narayan Baitha Resident of Village- Majhaura,
Ward No. 5, Police Station-Riga, District- Sitamarhi.

.... Appellant

Versus

1. The State of Bihar.
2. Pir Mohammad Mian@ Pir Mohammad Son of late Aziz Mian
3. Suman Khatoon Wife of late Aziz Mian
4. Salima Khatoon Wife of Pri Mohammad Mian@ Pir Mohammad
5. Hafiz Ansari@ Md. Hafiz Son of late Yasin Ansari
6. Salauddin Ansari@ Md. Salauddin Son of late Yasin Ansari All are
resident of Village- Majhaura, Ward No. 5, Police Station- Riga, District-
Sitamarhi.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 18-07-2018 This appeal has been filed for cancellation of pre-arrest

bail granted to opposite party Nos. 2 to 6 vide order dated

21.11.2017 passed in Cr.Appeal(SJ) No. 2896 of 2017.

Submission of learned counsel for the appellant is that

counsel for the opposite parties had suppressed the material fact

before this Court and obtained the order of anticipatory bail as

opposite party No.2 had already been arrested, which fact had not

been disclosed before this Court and similarly the case has also

been found true under Section 307 IPC by police and opposite

party Nos. 2 to 6 were given benefit of Section 41(2) Cr.P.C. but



that has not been disclosed.

Heard learned Special P.P.

In view of facts and circumstances, as stated above, it does not appear to be a case of intentional suppression of fact and moreover opposite party No.1 has not been released on the basis of the said order and similarly in terms of Section 41(2) Cr.P.C. they were released on bail though the same has not been submitted but that also is not a major defect. Moreover, there is no allegation of misuse of privilege of bail or tampering with the evidence.

In the facts and circumstances, I find no merit in this appeal. The appeal is dismissed.

(Vinod Kumar Sinha, J)

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