

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17939 of 2018

Arising Out of PS. Case No.-659 Year-2017 Thana- BUXAR District- Buxar

Shiv Prakash Rai, Son of Late Nageshwar Rai (Jhinguri Rai), Resident of Mohalla- Gali No.2, Dhobi Ghat, Charitravan, Buxar, PS+District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Girija Rai, Son of Brij Bilash Rai, Resident of Village- Sarenja, PS- Rajpur, District- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Ms. Rinki Rani, Advocate Mr. Vijay Kumar Vimal, Advocate
For the Opposite Party/s	:	Mr. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-11-2018 The petitioner seeks cancellation of bail of Opposite Party No. 2 which was granted to him by order dated 15.12.2017 passed by the learned Additional District & Sessions Judge – VIII, Buxar in A.B.P. No. 939 of 2017 in connection with Buxar P.S. Case No. 659 of 2017 instituted for the offences under Sections 419, 420 and 120B of the I.P.C.

The allegation against Opposite Party No. 2 is of having made wrong statement while being a bailor/surety to his father that his father did not have any criminal case.

Mr. Dinu Kumar, learned counsel for the petitioner



has submitted that at the time when bail was granted in the aforesaid case, namely, Buxar Town P.S. Case No. 430 of 2012, the father of the Opposite Party No. 2 was also an accused in another case vide Rajpur P.S. Case No. 208 of 2012. The learned court below, while dealing with the anticipatory bail of the Opposite Party No. 2 went through the entire case records of Buxar P.S. Case No. 430 of 2012 and came to the conclusion that there are two addresses of father of Opposite Party No. 2. The case in which the father of Opposite Party No. 2 was made accused was of village Pandey Patti in which police station there was no case other than P.S. Case No. 430 of 2012. The other address may not have been verified by the son who is the Opposite Party No. 2 and who chose to stand as surety for his father.

Even otherwise, the petitioner/complainant also has two addresses which has been taken note of by the learned Sessions Judge.

However, considering the nature of offence and the accusation levelled against Opposite Party No. 2, this Court is of the view that no interference is required with the order



granting anticipatory bail to Opposite Party No. 2.

The petition is dismissed.

(Ashutosh Kumar, J)

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