

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5242 of 2018

Arising Out of PS.Case No. -134 Year- 2017 Thana -HISUA District- NAWADA

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Kusum Kumari, wife of Sudash Kumar, D/o Raj Karan Chauhan, resident of village- Bhola Bigha, P.S. Hisua, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ranvijay Kumar @ Chintu Yadav, son of Bhagwat Mahto @ Khalifajee, resident of village- Bhola Bigha, P.S.- Hisua, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 11-04-2018 Heard learned counsel for the petitioner and learned counsel for the State.

This application under sub-section (2) of Section 439 of the Code of Criminal Procedure has been filed by the petitioner for cancellation of pre-arrest bail granted to the opposite party no.2 vide order dated 21.09.2017 passed by this Court in Cr.Misc. No. 41994 of 2017 in connection with Hisua P.S.Case No. 134 of 2017.

It is submitted by the learned counsel for the petitioner that after the pre-arrest bail was granted to the opposite party no.2, he has threatened the informant and other witnesses of dire consequences if they fail to withdraw the case. He has also threatened the petitioner to change her statement during trial otherwise she would be ravished again. He submitted that in this regard an inforamatory petition has also been filed in the court of



Chief Judicial Magistrate, Nawada on 25.11.2017. On query, learned counsel for the petitioner submitted that he does not know what order has been passed on the petition filed by the petitioner in the court of Chief Judicial Magistrate. He submitted that in view of the alleged threatening given by the opposite party no.2 to the informant of the case, the bail granted to the opposite party no.2 should be cancelled.

In my considered opinion, the prayer of the petitioner cannot be allowed on such kind of vague allegation. Mere filing of informatory petition in court after grant of pre-arrest bail to an accused regarding his subsequent conduct cannot be a ground for cancellation of bail. It is not known as to whether the petition filed by the petitioner was ever pressed or not before the court of Chief Judicial Magistrate. Of course, informant in her petition has alleged that she has received threats from the accused but the complaint made by her cannot be accepted ex-facie true. Very cogent and overwhelming circumstances are essential for an order of cancellation of bail already granted.

In that view of the matter, I see no merit in this application. It is accordingly dismissed.

(Ashwani Kumar Singh, J)

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