

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7033 of 2019

Arising Out of PS. Case No.-130 Year-2018 Thana- FATUA District- Patna

Govinda Kumar Son of Sri Raj Kishore Singh, @ Sri Rajkishore Sao Resident of Mohalla/Village- Old Jakkan Pur, Ram Lakhan Mahto Flat, P.S.- Jakkanpur Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Sankar Prasad @ Shiv Shanakar Sao, Son of Late Ratan Sao, Resident of Village- Govind Pur, P.S.- Fatuha, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhim Sen Prasad
For the O.P. No. 2	:	Mr. Harish Kumar
		Mr. A.K. Mouar

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 17-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The present application for cancellation of bail has been filed by the petitioner stating that on the earlier occasion, the diary was not considered and, therefore, it calls for cancellation of the order. It has been further urged that the petitioner has been direly threatened by the opposite party No. 2 and his family members and they have stated that if they do not withdraw the present case, they will meet with dire consequences.

I have perused the informatory petition which has been filed along with the present supplementary affidavit. It appears that though such informatory petitions have been filed



by the deponent of the said letter regarding the presence of any other witness or the sequence of event which led to the filing of such informatory petition and, as such, it does not inspire this Court to proceed to use the same as a ground for cancellation of bail.

It appears from the records of the case that the marriage in question took place more than seven years prior to the date of occurrence and, therefore, the provision of Section 304B of the I.P.C., *prima facie*, would not be attracted to such matters which are to be considered further during the course of trial.

In view of the aforementioned facts and circumstances, the present application for cancellation stands dismissed.

It shall, however, be open to the petitioner to approach the Court for expediting the trial and for framing of charge which, as informed at the Bar, has not yet been framed. It is also expected that the opposite party shall co-operate in the trial so that it reaches its logical conclusion.

(Anjana Mishra, J)

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