

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13514 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- ALAMGANJ District- Patna

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1. SHRI VIJAY KUMAR PANDEY @ VIJAY YADAV, Son of Late Brajnandan Prasad Shashtri, Resident of Pyarelal Kaa bag, Shitala Mata Mandir, P. S. - Alamganj, District - Patna.
 2. Shri Sachin Kumar, Son of Ramesh Prasad, Resident of Mahendru, P.S. - Pirbahore, Dist. - Patna.

... .. Petitioners

Versus

1. The State of Bihar
2. Lallu Mehta, Son of Sunder Mehta, Resident of Banwari Chowk, P.S. - Sultanganj, District - Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ajit Kumar
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 2 08-03-2019 This application has been filed for cancellation of anticipatory bail granted to opposite party No.2 in A.B.P. No. 289 of 2019 vide order dated 21.1.2019 by learned Additional District Judge-I, Patna City on the ground that police in collusion with the accused persons has not named opposite party No.2 in the FIR and police has made interpolation in the FIR and for that a complaint was lodged and earlier also a petition was filed by the informant stating apprehension of his killing by the accused persons, including opposite party No.2.

Heard learned counsel for the petitioners and learned APP for the State.



From perusal of the record it appears that opposite party No.2 is not named in the FIR and there is no specific allegation of firing against him and considering the same learned court below has granted anticipatory bail to opposite party No.2.

In such view of the matter, I am not inclined to interfere with the order granting anticipatory bail to opposite party No.2. However, the order impugned dated 21.1.2019 is modified to the extent that after investigation if any incriminating material has come against opposite party No.2, the prosecution is at liberty to move for cancellation of his bail bond.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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