

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.18097 of 2019

Arising Out of PS. Case No.-10 Year-2018 Thana- SAHODARA District- West Champaran

Tetari Devi, aged about 55 years, Wife of Dhrup Raut, Resident of Village -
Mandiha, P.S.- Sahodara, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Satyanarayan Prasad Yadav, Son of Late Nepal Raut, Resident of Village -
Mandiha, P.S.- Sahodara, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the O.P. No. 2 : Mr. Sanjeev Kumar, Adv.
For the State : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 17-07-2019 A supplementary affidavit has been filed in Court.

Let it be taken on record.

2. Heard Mr. Sunil Kumar Singh, the learned
Advocate for the petitioner, Mr. Sanjeev Kumar, the learned
Advocate for the opposite party No. 2 and Md. Aslam Ansari
for the State.

3. The petitioner seeks cancellation of bail of



opposite party No. 2 which was granted to him by order dated 14.12.2018 passed in Cr. Misc. No. 66456 of 2018.

4. The opposite party No. 2 has been granted bail in connection with Sahodara P.S. Case No. 10 of 2018 dated 17.02.2018, which has been instituted under various sections of the Indian Penal Code including Sections 447, 379, 324 and 341.

5. While granting bail to opposite party No. 2, the Court took note of the fact that there were several cases between the parties, who are neighbours as well as the contents of the allegation levelled therein.

6. The cancellation of bail of opposite party No. 2 has been sought on two grounds; one being that apart from the number of cases which have been indicated by the petitioner in which he was made an accused earlier, one case has been left to be mentioned. The other ground is that one of the cases in which the petitioner has stated that he was on bail on the day of grant of bail in the present case, he was not on bail and was granted bail only later.

7. The aforesaid two facts, according to the learned



counsel for the petitioner, cannot be taken lightly because if correct statement would have been made, the Court may not have been persuaded to grant bail to opposite party No. 2.

8. The case in which the petitioner was granted bail, later than the order dated 14.12.2018, is also a case of same genre between the same set of parties. The other case which has been left to be mentioned in paragraph 3 of the petition preferred by the opposite party No. 2, is also of the same kind. What has weighed with the Court is the generality of the allegation and number of cases between the parties who are neighbours. Both sides have alleged sexual misdemeanor against the female members of the other side. The allegations in all such F.I.Rs. indicate prior enmity.

9. Considering this background fact and taking into account that the petitioner and opposite party No. 2 are neighbours, this Court is not persuaded to treat the aforesaid two facts as any concealment or presentation of wrong facts.

10. This Court is, therefore, not inclined to interfere with the order dated 14.12.2018, granting bail to opposite party No. 2.



11. The petition, for the aforesaid reason, is
dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

