

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27717 of 2018

Arising Out of PS. Case No.-176 Year-2016 Thana- LAHERIYASARAI District- Darbhanga

Dr. Shree Narayan Jha S/o late Hari Narayan Jha resident of Mohalla
Balbhadrapur, PS Laheriasarai, District Darbhanga.

... .. Petitioner

Versus

1. The State Of Bihar
2. Manisha Chaudhary W/o Ashish Narain Jha
3. Anamika Chaudhary alias Lovely D/o Manmohan Choudhary
4. Sapna Chaudhary W/o Manmohan Choudhary
5. Pranay Kumar Jha S/o late Ramanand Jha
6. Abha Jha W/o Randhir Kumar Jha
7. Sudhir Kumar Chaudhary @ Sudhir Chaudhary S/o late Mahendra Narain Jha petitioner no. 2 to 7 are residents of Balbhadrapur, P.S. Laheriasarai, and District Darbhanga.
8. Indra Devi W/o Ramanand Jha
9. Randhir Kumar Jha S/o Hareram Jha both are residents of village Bhawanipur, P.S. Pandaul and Distt. Madhubani.

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-08-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

This application under Section 439(2) of the Code of Criminal Procedure has been filed by the petitioner for cancelling the pre-arrest bail granted to the opposite party nos. 2 to 9 vide order dated 17.02.2018 passed in Cr.Misc. No. 9188 of 2018.



Learned counsel for the petitioner submitted that the opposite party nos. 2 to 9 have obtained bail from this Court by suppressing material facts and misleading the Court. He submitted that the opposite parties are not law abiding citizens and, hence, the Court erroneously granted them pre-arrest bail in serious offences under Sections 380 and 387 of the Indian Penal Code.

On the other hand, learned counsel appearing for the State submitted that no ground for cancellation of pre-arrest bail is made out. The petitioner had lodged Laheriasarai P.S. Case No. 176 of 2016 against the opposite party nos. 2 to 9, which was found false by the police during investigation, but the learned Chief Judicial Magistrate differing with the police report took cognizance of the offence. He submitted that the opposite party no.2 Manisha Chaudhary is daughter-in-law of the petitioner and the other opposite parties are her close relatives. They were implicated in the case only because Manisha Chaudhary had instituted Darbhanga Mahila P.S. Case No. 40 of 2014 on 22.07.2014 under Section 498-A of the Indian Penal Code against her husband and in-laws.

I have heard learned counsel for the parties and perused the record.



There is no substance in the submission of learned counsel for the petitioner that the opposite party nos. 2 to 9 were granted pre-arrest bail by either playing fraud upon the Court or suppressing any relevant material from the Court. Apparently, the police found the case instituted by the petitioner to be false and, differing with the police report, the Chief Judicial Magistrate took cognizance of the offence. Considering those facts as also the nature of the offence, this Court had granted bail to the opposite party nos. 2 to 9.

Since no case for cancellation of pre-arrest bail is made out, the application is dismissed.

(Ashwani Kumar Singh, J)

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