

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21465 of 2019

Arising Out of PS. Case No.-1078 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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SANGITA TIWARI Wife of Arun Kumar Tiwari Resident of Mohalla -
Yadubanshi Nagar, Near St. Xavier Collage of Management Main Gate,
Digha, Patna-11

... .. Petitioner/s

Versus

1. The State of Bihar and ors Bihar
2. Rakesh Yadav @ Rakesh Rai @ Rakesh Kumar Son of Devendra Yadav @
Devendra Rai @ Bijendra Rai @ Birendra Yadav @ Bijendra Pd Yadav
Resident of Village - Makhdumpur, P.O.- Digha, P.S.- Digha, District - Patna
3. Mukesh Yadav @ Mukesh Rai @ Mukesh Kumar Son of DEvendra Yadav
@ Devendra Rai @ Bijendra Rai @ Birendra Yadav @ Bijendra Pd Yadav
Resident of Village - Makhdumpur, P.O.- Digha, P.S.- Digha, District - Patna
4. Arvind Kumar @ Arvind Rai @ Arvind Yadav Son of Arjun Kumar Singh @
Arjun Yadav@ Arjun Resident of Village - Makhdumpur, P.O.- Digha, P.S.-
Digha, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Tiwari
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-04-2019 Heard learned counsel for the petitioner and the

State.

This application has been filed for cancellation of
anticipatory bail of opposite party nos. 2 to 4 granted to them by
the learned Sessions Judge, Patna vide order dated 29.01.2019
passed in A.B.P. No. 8693 of 2018.

Ground taken by learned counsel for the petitioner
for cancellation of anticipatory bail of opposite party nos. 2 to 4



is that there is no compromise between the parties and no such submission was made before the court below, however, in the order-sheet of the court below, it has been mentioned that the complainant – petitioner has supported the factum of compromise. Further the opposite party nos. 2 to 4 after their anticipatory bail has started to threat the petitioner and not allowing her to make any construction over her land.

Having heard both sides, considering the facts and circumstances of the case as well as the order of learned Sessions Judge, Patna, from perusal of which, it appears that complainant has made a submission that he has supported the factum of compromise, which he disputes before this Court not to have made any such statement, however, this is not the stage to verify the veracity of submission of complainant before the court below. Further so far allegation that the opposite party nos. 2 to 4 are threatening the petitioner and not allowing her to make any construction over her land is concerned, no complaint either before the police or before the concerned court below has been filed by the petitioner, as such, I am not inclined to interfere with the order dated 29.01.2019 passed in A.B.P. No. 8693 of 2018 by the learned Sessions Judge.

Needless to say, opposite party nos. 2 to 4 would not



make any threatening to the petitioner otherwise, the petitioner will be at liberty to file a complaint before the police or in the court below and on investigation/enquiry it is found true, petitioner is at liberty to move before the learned Sessions Judge, Patna for cancellation of bail.

(Vinod Kumar Sinha, J)

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