

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19070 of 2019

Arising Out of PS. Case No.-2517 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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MUMTAZ JAUHAR Son of Md. Abdullah, Resident of Village-Manohar
Chapra, P.S.-Bararaj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar and Anr. Bihar
2. Arif Khan Son of Md. Jan Khan, Resident of Mohalla-Faizullah Khan, Jan
Manzil near Khankah, Laheria Saraye P.S.-Laheriyasarai, District-
Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar
For the Opposite Party/s : Mr.Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-08-2019 This application has been filed for cancellation of the

bail granted to the O.P.no.2 , vide order dated 4.1.2019 passed
by the learned A.D.J.-XIV, Muzaffarpur in A.B.P.no.3757 of
2018.

Submission of the learned counsel for the petitioner is
that without hearing the complainant, order has passed and the
matter was reported by the complainant to the High Court in
administrative side also.

From perusal of the order, it appears that the
laundered Addl. Sessions Judge has granted anticipatory bail to
the O.P.no.2 on the ground that the co-accused Fahim Ahmad
and others have already been granted anticipatory bail in ABP



No.3378 of 2018 dated 5.11.2018 and the case of the Opposite Party No.2 is on similar footing that of the co-accused Fahim Ahmad and others and no doubt the order does not disclose whether he has heard the complainant or not but considering the fact that the case of the O.P.no.2 is similar to the other co-accused persons who has already been granted anticipatory bail and that has not been challenged by the complainant and there is no allegation of either tempering with the evidence or suppression of fact or there is chance of absconding of the O.P.no.2

In such view of the matter, I am not inclined to interfere with the order granting bail to the O.P.no.2.

Hence, this application is dismissed.

(Vinod Kumar Sinha, J)

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