

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55149 of 2017

Arising Out of PS. Case No.-55 Year-2014 Thana- MAHILA PS District- Jamui

Lakshmi Kumari wife of Chandradeo Prasad Barnwal resident of Purani Bazar, Jhajha, P.S. Jhajha, Dist. Jamui.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Om Prakash Barnwal son of late Chinta Mani resident of Purani Bazar, Jhajha, P.S. Jhajha, Dist - Jamui.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26911 of 2019

In

CRIMINAL MISCELLANEOUS No.6161 of 2015

Arising Out of PS. Case No.-55 Year-2014 Thana- MAHILA PS District- Jamui

OM PRAKASH BARNWAL Son of Late Chinta Mani Barnwal Resident of Purani Bazar, Jhajha, P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55149 of 2017)

For the Petitioner/s : Mr.Ajay Kumar Tiwari

For the Opposite Party/s : Mr.Sri Madhuranand Jha

(In CRIMINAL MISCELLANEOUS No. 26911 of 2019)

For the Petitioner/s : Mr.Amar Prakash

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-09-2019 Re. Criminal Miscellaneous No. 26911 of 2019.

The aforementioned criminal miscellaneous
application has been filed for modification of the order dated
16.02.2015, passed in Criminal Miscellaneous No. 6161 of 2015



to the extent of confirming the anticipatory bail granted to the petitioner by setting aside the order dated 29.10.2018 passed by the learned SDJM, Jamui in G.R. No. 1450 of 2014, arising out of Jamui Mahila P.S. Case No.55 of 2014.

The accusation is of making attempt to establish forceful physical relationship with the informant.

Earlier, the petitioner was granted bail after considering the fact that at earlier point of time, the petitioner lodged Jhajha P.S. Case No. 84 of 2014 and Complaint Case No.1120C of 2014 against the informant. However, the bail bonds of the petitioner was directed to be accepted on verification of the fact that the petitioner is not accused in any other case apart from the present case.

It is submitted by learned APP for the State that the bail bonds of the petitioner has been cancelled by the learned Court below vide order dated 29.10.2018, passed by learned SDJM, Jamui, which has been brought on record, as Annexure-5 and the said order has not been challenged.

From perusal of the bail cancellation order of the petitioner it appears that the petitioner is also accused in Jhajha P.S. Case No. 81 of 2007 wherein the cognizance has been taken against him and the petitioner has not challenged the order by



which his bail bonds have been cancelled. Hence, the present modification application is not maintainable.

Accordingly, the aforementioned criminal miscellaneous application stands dismissed.

Re. Criminal Miscellaneous No. 55149 of 2017.

None appears.

Accordingly, the present application filed with a prayer for cancellation of bail granted to opposite party no.2 vide order dated 16.02.2015, passed in Criminal Miscellaneous No. 6161 of 2015 in connection with Jamui Mahil P.S. Case No. 55 of 2014, pending before the learned SDJM, Jamui stands dismissed for want of prosecution.

(Dinesh Kumar Singh, J)

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