

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32440 of 2019

Arising Out of PS. Case No.-346 Year-2018 Thana- JAKKANPUR District- Patna

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SMT. BIMLA TIWARI, wife of Sri O.P. Tiwari, Resident of Flat No. 103, Jasumati Enclave, Kannulal Road, Mithapur, P.S.- Jakkanpur, Town and Distt - Patna. permanent resident of Shivalay, Tiwari Tola, Pandarak, P.S.- Pandarak, Patna, Bihar, Pin - 803221.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pranav Prakash, son of Sri Ashok Kumar Choubey, resident of - House No. 33/12, Ground Floor, Laxmi Niwas, Old Rajendra Nagar, P.S.- Rajendra Nagar, New Delhi - 110060

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avanindra Kumar Jha
For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

- 3 25-09-2019 The opposite party No. 2 was granted privilege of anticipatory bail by an order dated 31.01.2019 passed in Cr. Misc. 5486 of 2019. The petitioner who is informant of the concerned Jakkanpur P.S. Case No. 346 of 2018, is seeking cancellation of anticipatory bail on the ground that before passing of the said order dated 31.01.2019, process under Section 82 Cr. P.C. was issued, and, therefore, in the light of Supreme Court's decision in a case of *State of Madhya Pradesh Vrs. Pradeep Sharma*, reported in (2014) 2 SCC 17, the anticipatory bail application could not be entertained.

In my view, however, the correctness of the order



dated 31.01.2019 cannot be gone into in a proceeding for cancellation of bail. There is no allegation in the present application of misuse of privilege of bail granted to Opposite Party No. 2. This Court cannot review its own order passed in criminal jurisdiction.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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