

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.410 of 2018

Arising Out of PS. Case No.-3534 Year-2012 Thana- SARAN COMPLAINT CASE District-
Saran

Sudarshana Joyti, wife of Rajiv Kumar, d/o late Jamuna Prasad, a resident of
Jawahar Tola, P.S. Nawada, distrit Bhojpur, at present Railway Gandak
Colony, Quarter No. 558, P.S. Samastipur, district Samastipur
... Petitioner

Versus

1. The State Of Bihar
2. Rajiv Kumar
3. Alok Kumar, both sons of Shri Krishna Kumar, residents of Hanuman
Nagar, Shyam Chak, Gudri Bazar, P.S. Bhagwan Bazar, district Saran
... Opposite Parties

Appearance :

For the Petitioner	:	Mr.Harish Kumar, Adv.
For the State	:	Smt. Asha Kumari, APP 197
For O.Ps. No. 2 & 3	:	Mr. Tep Pratap Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

8 19-07-2019

This application has been filed under Section 439(2) of the
Code of Criminal Procedure to cancel the privilege of pre-arrest bail of
opposite parties no. 2 and 3 as allowed by the Court of learned Sessions
Judge, Saran at Chapra, vide A.B.P. No. 2716 of 2017 on 30.10.2017 in
Complaint Case No. 3534 of 2012 registered under Sections 498A and
376/511 of the Indian Penal Code, pending in the Court of the
Subdivisional Judicial Magistrate, Saran at Chapra.

Learned counsel appearing for the petitioner submits that at
the time of allowing the privilege of pre-arrest bail, the argument was
advanced on behalf of the opposite parties 2 and 3, who were
petitioners in that application, to the effect that the petitioners had
already filed Mithanpurra P.S. Case No. 147 of 2012 more or less on
similar nature of case, but, vide A.B.P. No. 1413 of 2012 it would
appear from the order, dated 02.04.2013, passed by the Court of the
learned Sessions Judge, Muzaffarpur, that it is detailed that the



Complaint Case No. 3534 of 2012 filed by the petitioner was dismissed, but, that complaint case is still in existence.

On the other hand, learned counsel appearing on behalf of opposite parties no. 2 and 3 submits that after perusal of the record the learned Sessions Judge, Muzaffarpur, arrived at the conclusion and gave his finding that earlier Complaint Case No. 3534 of 2012 filed by the petitioner has been dismissed, at that time the complaint case was not in existence rather against the dismissal of the complaint case the petitioner has filed the criminal revision, as such, there is no factual error in order, dated 02.04.2013, of A.B.P. No. 1413 of 2012 passed by the learned Sessions Judge, Muzaffarpur.

I find no reason to consider the prayer of the petitioner to cancel the privilege of pre-arrest bail granted to opposite parties no. 2 and 3 in A.B.P. No. 2716 of 2017 on 30.10.2017 by the learned Sessions Judge, Saran at Chapra.

Accordingly, this application is **dismissed**.

(Rajendra Kumar Mishra, J)

Shamshad/-

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