

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35051 of 2018

Arising Out of PS. Case No.-130 Year-2016 Thana- SANHAULA District- Bhagalpur
=====

Asharfi Mandal Son of Late Bachchu Mandal, Resident of Village- Fajilpur,
P.S.- Sanhaula, District- Bhagalpur.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Bablu Mandal, Son of Naresh Mandal, Resident of Village- Karhariya, P.S.-
Sanhaula, District- Bhagalpur.

... .. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, Adv.
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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

6 30-01-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The application has been filed for cancellation of

bail granted to opposite party No.2 vide order dated

30.10.2017 in Cr. Misc. No. 17704 of 2017 in connection with

Sanhaulla P.S. Case No. 130 of 2016.

Learned counsel appearing for the petitioner

submits that although the prayer for bail of opposite party

No.2 had been allowed by this Court vide order dated

30.10.2018 passed in Cr. Misc. No. 17704 of 2017 but the

opposite party No.2 is tampering with the prosecution

witnesses resultantly the family member of the petitioner



are living under fear. On this ground, the bail bond of opposite party No.2 may be canceled.

Learned counsel appearing for opposite party No.2 has submitted that although allegation of tampering with the witnesses has been made against opposite party No.2 but the document filed in support of allegation, which is at annexure-5 to the supplementary affidavit, is dated 10.08.2017 whereas the bail of opposite party No. 2 had been granted by this Court on 30.10.2017. Therefore no case of tampering with the prosecution witnesses is made out against opposite party No.2.

In view of the rival submission of parties, this Court does not find a fit ground to proceed with cancellation of bail of opposite party No.2. Accordingly, the prayer for cancellation of bail of opposite party No.2 is, hereby, rejected.

(Arvind Srivastava, J)

Brajesh/-

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