

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47724 of 2019

Arising Out of PS. Case No.-137 Year-2018 Thana- ASANWA District- Siwan

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KAMLAWATI DEVI Wife of Harindra Manjhi Resident of Village- Shivpur Sakra, P.S.- Asaon, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakshman Paswan S/o Late Ganga Paswan Resident of Village- Shivpur Sakra, P.S.- Asaon, District- Siwan
3. Dharmendra Ram S/o Baharan Ram Resident of Village- Shivpur Sakra, P.S.- Asaon, District- Siwan
4. Dina Ram @ Dinanath Ram S/o Late Gorakh Ram Resident of Village- Shivpur Sakra, P.S.- Asaon, District- Siwan
5. Nandlal Ram @ Nand Prasad Ram Son of Late Bhagrasan Ram Resident of Village- Shivpur Sakra, P.S.- Asaon, District- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.J.K.Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. This application has been filed for cancellation of anticipatory bail granted to the opposite party nos. 2 to 5 in terms of order dated 26.04.2019 passed in Cr. Misc. No. 27445 of 2019.

3. Learned counsel for the petitioner submits that the order of anticipatory bail has been obtained by the opposite party nos. 2 to 5 by suppressing the material facts that the injured Phulpati Devi had succumbed to her injuries and on 15.03.2019 itself Section 302 IPC was added in the FIR. But anticipatory bail was sought only with reference to Sections 341, 323, 324, 379, 307, 448, 504, 506/34 of the Indian Penal Code



through a petition filed subsequently.

4. A perusal of the certified copy of the FIR filed along with the petition for anticipatory bail in Cr. Misc. No. 27445 of 2019 issued on 02.03.2019 does not contain reference to Section 302 of the Indian Penal Code which admittedly added later on. The petitioner has also not referred to any material to indicate that opposite party nos. 2 to 5 were aware of the death of the victim lady and the addition of Section 302 of the Indian Penal Code in the FIR at the time of filing the anticipatory bail petition. It is therefore difficult to hold that the order of anticipatory bail was obtained by suppressing material facts.

5. The petition stands dismissed.

(Vikash Jain, J)

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