

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57129 of 2019

Arising Out of PS. Case No.-365 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

SARAFARAJ KHAN @ SARFARAJ KHAN, aged about 36 years, Male, Son
of Late Mumataj Khan, Resident of Village- Tarwa, P.S.- Siwan Muffasil,
District- Siwan ... Petitioner

Versus

1. The State of Bihar
2. Asaraf Ali, S/o Rasul Mian, Resident of Village- Tarwa, P.S.- Siwan Muffasil, District- Siwan
3. Shaheed Ali, S/o Asaraf Ali, Resident of Village- Tarwa, P.S.- Siwan Muffasil, District- Siwan
4. Arif Ali, S/o Asaraf Ali, Resident of Village- Tarwa, P.S.- Siwan Muffasil, District- Siwan
5. Shamina Khatoon, D/o Rasul Mian, Resident of Village- Tarwa, P.S.- Siwan Muffasil, District- Siwan
6. Saif Ali, Son of Rasul Mian, Resident of Village- Tarwa, P.S.- Siwan Muffasil, District- Siwan
7. Raushan Tara, W/o Asaraf Ali, Resident of Village- Tarwa, P.S.- Siwan Muffasil, District- Siwan ... Opposite Parties

Appearance :

For the Petitioner : Mr. Ashok Kumar, Adv.
For the Opposite Parties : Mr. Bhanu Pratap Singh, APP

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

ORAL ORDER

2 09-09-2019 Heard the learned counsel for the parties.

This criminal miscellaneous application has been filed under Section 439(2) of the Criminal Procedure Code to cancel the bail bonds of the opposite parties 2 to 7, furnished in the light of the order, dated 02.07.2019, in Sessions Case No. 260 of 2019 (arising out of Siwan Muffasil P.S. Case No. 365 of 2018) registered under Sections 147, 148, 149, 341, 323 and 307 of the



Indian Penal Code, pending in the Court of the Additional Sessions Judge I-cum-Special Judge, Siwan.

The submission of the learned counsel for the petitioner is that after the death of the informant, Sarfaraz Khan, Section 302 of the Indian Penal Code was added, but, the Additional Sessions Judge I-cum-Special Judge, Siwan, allowed the prayer of the regular bail of the opposite parties 2 to 7 on 02.07.2019.

I find no reason to cancel the bail bonds furnished by opposite parties 2 to 7 in the light of the order, dated 02.07.2019, passed in Sessions Case No. 260 of 2019 (arising out of Siwan Muffasil P.S. Case No. 365 of 2018) by the Additional Sessions Judge I-cum-Special Judge, Siwan.

Accordingly, this application is **dismissed**.

(Rajendra Kumar Mishra, J)

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