

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24774 of 2019

Arising Out of PS. Case No.-385 Year-2018 Thana- GHORASAHAN District- East
Champaran

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Manju Lath Wife of Pawan Kr. Lath Resident of Village - Purniha, P.S.-
Gorasahan, Distt - East Champaran. At Present 402 Shiva Enclave,
Kankarbagh, P.S.- Kankarbagh, Distt - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uday Jaiswal Son of Ajay Pd. Jaiswal Resident of Village - Sripur Tola,
Baswariya, P.S.- Ghorasahan, Distt - East Champaran.
3. Subodh Kr. Son of Rama Rai Resident of Village - Bijgani, P.S. Ghorasahan,
Distt - East Champaran.
4. Santosh Kumaar Son of Sone Lal Rai Resident of Village - Barwa Khurd ,
P.S. Ghorasahan, Distt - East Champaran.
5. Aditya Kumar Son of Hari Shankar Singh Resident of Village - Sripur
Khaas, P.S. Ghorasahan, Distt - East Champaran.
6. Randhir Rai Son of Dina Nath Rai Resident of Village - Bhasandawa, P.S.
Ghorasahan, Distt - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Mohammed Arif

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 19-02-2020 Heard learned counsel for the petitioner as well as

learned counsel appearing for the Opposite Parties.

This petition has been filed on behalf of the petitioner
who happens to be the informant in Ghorasahan P.S.Case
No.385 of 2018 which has been lodged against Opposite Party
Nos.2 to 6 for the offences punishable under Sections 120(B),
467, 468, 471, 420, 387, 504 and 506 of the Indian Penal Code,



for cancellation of bail granted to Opposite Party Nos.2 to 6 vide order dated 20.12.2018 passed in Cr.Misc.No.73335 of 2018, in the aforesaid Ghorasahan P.S.Case No.385 of 2018 on the ground that after getting anticipatory bail, the Opposite Party Nos.2 to 6 are giving threatening to her.

Learned counsel appearing for petitioner submits that this Court vide order dated 20.12.2018 passed in Cr.Misc.No.73335 of 2018 granted privilege of anticipatory bail to Opposite Party Nos.2 to 6 but after getting anticipatory bail, the Opposite Party Nos.2 to 6 became more emboldened and started giving threatening to kill the petitioner. He further submits that petitioner approached the local police as well as Senior Police Officials but they did not lodge any case against Opposite Party Nos.2 to 6 and thereafter petitioner has sent her complaint to Senior Police Officials through post and, therefore, in the aforesaid circumstance, the anticipatory bail granted to Opposite Party Nos. 2 to 6 must be cancelled.

On the other hand, learned counsel appearing for Opposite Party Nos.2 to 6 refuted the above stated submissions arguing that the first information report of Ghorasahan P.S.Case No.385 of 2018 demonstrates that there was land dispute between the parties and taking note of the aforesaid fact as well



as this aspect of the matter that the Opposite Party Nos.2 to 6 had purchased the disputed land, this Court granted anticipatory bail to Opposite Party Nos.2 to 6 but when this Court granted anticipatory bail to Opposite Party Nos.2 to 6, the petitioner started manipulating the matter by filing false petitions against Opposite Party Nos.2 to 6.

Having heard the contentions of both the parties, I find that Annexure-3 to the petition reveals that petitioner had given one written petition to the Officer-in-Charge, Ghorasahan police station and copy of the aforesaid petition was given to Superintendent of Police, East Champaran, Motihari through post but it is well settled principle of law that mere making allegation of threatening is not sufficient to cancel the bail granted to accused in a case and unless the allegation of threatening is enquired and verified by a competent authority, the bail granted to accused cannot be cancelled.

In view of the aforesaid facts, I am of the view that this petition does not have any merit and, accordingly, this petition stands dismissed. However, it is made clear that the petitioner may approach the lower court for cancellation of the bail, if she receives threatening from the Opposite Party Nos.2 to 6 and if, the informant approaches the court below, the



concerned court shall proceed with the prayer of the informant
in accordance with law and shall pass appropriate order on the
prayer of the petitioner after making proper enquiry.

(Hemant Kumar Srivastava, J)

B.Kr./-

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