

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40048 of 2019

Arising Out of PS. Case No.-130 Year-2018 Thana- FATUA District- Patna

GOVINDA KUMAR Son of Raj Kishore Singh @ Sri Raj Kishore Sao
Resident of Mohalla - Old Jakkanpur, Near Ram Lakhan Mahto Flat, P.S.-
Jakkanpur, Distt - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Shiv Shankar Prasad @ Shiv Shankar Resident of
Village - Govindpur, P.S.- Fatuha, Distt - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Sen Prasad
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 26-02-2020 This application has been filed for cancellation of

bail granted to opposite party nos. 2 by learned 1st Additional
Sessions Judge, Patna City, vide order dated 14.12.2018 passed
in B.P. No.708/2018 in connection with Fatuha P.S. Case No.
130/2018, registered for offences punishable under Sections
304(B)/201/34 of the Indian Penal Code.

Submission of learned counsel for the petitioner is
that opposite party no 2 is the husband of deceased and the
death of the deceased was due to strangulation but the learned
Additional Sessions Judge has not considered the same and
granted bail to opposite party no. 2.

Heard learned A.P.P. and perused the impugned order,



from which, it appears that the learned Additional Sessions Judge has considered the materials available on record, which shows that she has committed suicide and also considered that the fact that opposite party no. 2 was suffering from brain tumor and the daughter of the deceased was also suffering from the illness and due to which, she committed suicide and after considering all the facts learned Additional Sessions Judge has enlarged the opposite party no. 2 on bail. Further, there is no allegation against the opposite party no. 2 of misuse of privilege of bail or tampering with the evidence or of any chance of his absconding.

In view of the discussions made above, I do not find any merit in the present application, same is accordingly dismissed.

(Vinod Kumar Sinha, J)

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