

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44258 of 2018

Arising Out of PS. Case No.-79 Year-2018 Thana- HATHUA District- Gopalganj

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Nafisa Nasnin Daughter of Arbiun Khatoon, W/o Razzab Khan, resident of
Village- Murera, P.O. P.S.- Hathua, District- Gopalganj.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Police Baitha, S/o Late Ramdhani Baitha, resident of Village- Murera, P.O.
P.S.- Hathua, District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Upadhyay

For the Opposite Party/s : Mr.Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 24-02-2020 This application has been filed for cancellation of

bail granted to opposite party no. 2 by learned 1st Additional
Sessions Judge, Gopalganj, vide order dated 06.06.2018 passed
in Hathua P.S. Case No. 79/2018, registered for offences
punishable under Sections 376 and 411 of the Indian Penal
Code.

Submission of learned counsel for the petitioner is
that the learned Additional Sessions Judge without considering
the gravity of the offence as well as the statement of the victim
girl recorded under Section 164 Cr.P.C. has granted bail to
opposite party no. 2, which is not just and proper.

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



from which, it appears that the learned Additional Sessions Judge after considering the materials available in case diary and also considering that opposite party no. 2 was in custody, has enlarged him on bail. From the record, there is no material to show that he is not cooperating in disposal of trial. Further, there is no allegation against opposite party no. 2 of misuse of privilege of bail or tampering with the evidence or there is any chance of his becoming absconder.

Considering the discussions made above, I find no merit in this application, same is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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