

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80930 of 2019

Arising Out of PS. Case No.-238 Year-2012 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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SRIKANT PRASAD Son of Late Raghuwar Dayal Prasad Resident of Village
- Sahebganj Sonar Toli, P.O. and P.S.- Chapra Town, District - Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahesh Sah Son of Late Dwarika Sah Resident of Mohalla - Pankha Toli,
P.S.- Kazi Mohammadpur, District - Muzaffarpur.
3. Madhuri Devi Wife of Mahesh Sah Resident of Mohalla - Pankha Toli, P.S.-
Kazi Mohammadpur, District - Muzaffarpur.
4. Anand Kumar Son of Mahesh Sah Resident of Mohalla - Pankha Toli, P.S.-
Kazi Mohammadpur, District - Muzaffarpur.
5. Barsha Sah @ Rinku Kumari Daughter of Mahesh Sah Resident of Mohalla
- Pankha Toli, P.S.- Kazi Mohammadpur, District - Muzaffarpur.
6. Pinki Kumari Daughter of Mahesh Sah Resident of Mohalla - Pankha Toli,
P.S.- Kazi Mohammadpur, District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suresh Prasad
For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2020 Heard learned counsel for the parties.

The present application has been filed for
cancellation of anticipatory bail granted vide order dated
1.10.2013 passed in Cr. Misc. No. 26857 of 2013 to O.P. Nos.
2 to 6 being parents, married sisters and brother of the
husband of the victim in connection with Kazi
Mohammandpur P.S. Case No. 238 of 2012 registered for the
offences punishable under Sections 328 and 304B/34 of the



IPC.

The accusation is of killing the daughter of the informant after one year of the marriage for non-fulfillment of dowry demands.

Considering the fact that the postmortem reflects no injury when the viscera was preserved and the victim was admitted for illness in the hospital where she died coupled with the thrust of accusation against the husband of the victim, the O.P. Nos. 2 to 6 were granted anticipatory bail.

Learned counsel for the petitioner submits that in fact the victim was administered poison and she was taken to the hospital only for the formalities.

The parameters of cancellation of bail and grant of bail are quite different. Learned counsel for the petitioner wants this Court to consider the merits of accusation afresh through the application for cancellation of bail.

There is nothing on record to suggest that after grant of anticipatory bail, the O.P. Nos. 2 to 6 have misused the privilege of bail. Moreover, the anticipatory bail was granted to O.P. Nos. 2 to 6 on 1.10.2013 when the present application for cancellation of bail has been registered on 6.12.2019, hence, this Court is not inclined to interfere in the



matter after more than six years of grant of anticipatory bail.

This application is, accordingly, dismissed.

(Dinesh Kumar Singh, J)

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