

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18393 of 2024

Arising Out of PS. Case No.-346 Year-2022 Thana- SOHSARAI District- Nalanda

Sushree Mona Wife of late amit Kumar, D/O Sri Shivshankar Prasad Resident of Mohallah-Nand-Nagar, Behind Sohsarai Thana, P.s.-Sohsarai, Distt.-Nalanda. Presently residing at vill.-Sheikhpura Pachna, P.S.-Sheikhpura, Distt.-Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Anil Kumar Son of late Krishna Prasad Resident of Mohallah-Nand-Nagar, Behind Sohsarai Thana, P.s.-Sohsarai, Distt.-Nalanda.
3. Ashish Raj Son of Anil Kumar Resident of Mohallah-Nand-Nagar, Behind Sohsarai Thana, P.s.-Sohsarai, Distt.-Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Singh
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-03-2024 This is an application for cancellation of bail granted to the Opposite Party No. 2 and 3 by this Court vide order dated 08.01.2024 passed in Cr. Misc. No. 32036 of 2023 arising out of Sohsarai P.S Case No. 346 of 2022 pending in the Court of A.C.J.M. 1st Biharsharif, Nalanda.

2. Learned counsel for the petitioner submitted that the O.P. No. 2 and 3 got the privilege of bail with mala fide intention. It is further submitted that the opposite party No. 2 and 3 after obtaining the bail order and just after furnishing their bail bonds have started threatening to the petitioner with dire



consequences. It is further submitted that the accused persons have obtained their anticipatory bail from the Hon'ble court by submitting false statement on oath with respect to treatment made available to the deceased/husband of the petitioner, in fact no treatment had made available to the deceased/husband of the petitioner and they produced a forged, false and fabricated medical death certificate.

3. Learned counsel for the OP No. 2 and OP No. 3 as well as learned A.P.P. for the State has submitted that there is no suppression of material fact by the petitioner. It is a case of offence under sections 498A, 354B, 323, 506/34 and 341 of the Indian Penal Code. Learned counsel for the petitioner has not filed any document showing that the Opposite parties no. 2 and 3 threatened the petitioner and the witnesses of this case. It is further submitted that no application has been filed with regard to the alleged threat in the concerned thana or filed any application before the court concerned. Learned counsel has further submitted that the petitioner never misused the privilege of bail granted by the Hon'ble Court. Learned counsel has placed the reliance on the judgment of **Abdul Basit @ Raju & Ors. Etc. Md. Abdul Kadir Chaudhary (2014) 10 SCC 754** in which the Supreme Court noted that "the considerations for



grant of bail and cancellation thereof are entirely different. The bail could be cancelled if the court is satisfied that after being released on bail”:-

- (a) The accused has misused the liberty granted to him;
- (b) flouted the conditions of the bail order;
- (c) that the bail was granted in ignorance of statutory provisions restricting the powers of the court to grant bail;
- (d) or that the bail was procured by misrepresentation or fraud.

4. In light of the aforementioned facts, none of the aforementioned conditions existed to cancel the bail. Accordingly, the instant application for cancellation of bail granted to the Opposite Party No. 2 and 3 is rejected.

(Chandra Prakash Singh, J)

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