

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63034 of 2018

Arising Out of PS. Case No.-215 Year-2015 Thana- RAJIVNAGAR District- Patna

Hem Kiran D/o Dinanath Tiwari, W/o Ajit Choubey @ Ajit Kumar Choubey,
Resident of Ram Nagari, Sector-5, Ashiana Nagar, P.S.-Rajiv Nagar, District-
Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ajit Choubey @ Ajit Kumar Choubey Son of Kamta Choubey, Resident of
Street No.8, 'B' Gajrarh, Gaurachhani, P.S.-Sasaram Town, District-Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar
For the Opposite Party/s : Mr.Sri Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

- 2 18-09-2019 The present application has been filed for cancellation of bail of opposite party no. 2, being the husband of the Petitioner namely, Ajit Choubey @ Ajit Kumar Choubey, who was granted custody bail vide order dated 07.04.2016 passed in Cr. Misc. No. 15492 of 2016 in connection with Rajiv Nagar P.S. Case No. 215 of 2015 registered for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, pending in the Court of learned Judicial Magistrate, Ist Class, Patna on ground of submission of O.P. No. 2 and statement being made in paragraph 6 of the main petition to the effect that opposite party no. 2 is ready to keep the informant-petitioner as wife with full dignity and honour. The



further consideration of the grant of bail was the nature of accusation and the fact that the investigation has already concluded.

The parameters for grant of bail and its cancellation are quite different. For considering the grant of bail, basically the merits of accusation is being considered whereas considering the cancellation of bail, the paramount consideration is whether the accused granted bail has misused the privilege of bail by (i) misusing his liberty by indulging in similar criminal activity, (ii) interfering with the course of investigation, (iii) attempting to tamper with evidence or witnesses, (iv) by threatening witnesses or indulging in similar activities which would hamper smooth investigation, (v) when there being likelihood of his fleeing to another country, (vi) attempting to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempting to place himself beyond the reach of his surety etc., as has been held in the case of Mehboob Dawood Shaikh Vs. State of Maharashtra, reported in (2004) 2 SCC 362.

In the present case, there is nothing on record to show that the opposite party has misused the privilege of bail or has



contravened any of the parameters as mentioned above.

In the circumstances, this Court does not find any merit in this application and accordingly, it is disposed of.

(Dinesh Kumar Singh, J)

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