

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9358 of 2021

Arising Out of PS. Case No.-514 Year-2019 Thana- CHAPRA TOWN District- Saran

RAVINDRA MANJHI Son of Motichand Manjhi Resident of Rouja Chhapra,
P.S.- Chhapra Town, District - Saran at Chhapra

... .. Petitioner/s

Versus

1. STATE OF BIHAR THROUGH THE DISTRICT MAGISTRATE, SARAN
AT CHHAPRA Bihar
2. Ranjit Ray Son of Raghuvir Ray Resident of Village - Rauja, P.S.- Chhapra
Town, District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yashraj Bardhan
For the Opposite Party/s	:	Mr. Shyameshwar Dayal Mr. Jeetendra Narayan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-12-2021 Heard learned counsel for the petitioner, the State and
the opposite party No.2.

The petitioner has filed this application u/s 439(2) of
the Code of Criminal Procedure for cancellation of bail granted
to opposite party No.2 by this court vide order dated 01.06.2020
passed in Cr. Appeal No. 1290/2020.

Brief facts giving rise to this application are that on
07.09.2019 informant's brother was assaulted on his door by the
opposite party No.2 and his associates due to land dispute and
they set the house afire. They had assaulted Renu Devi also.
His brother was taken to hospital where he was declared dead.
The O.P. No.2 moved this court by filing Cr. Appeal (SJ) No.



1290/2020 for grant of bail and this court taking into consideration the land dispute between the parties and general and omnibus allegation against the appellant and other accused persons and the fact that O.P. No.2 is in custody since 18.02.2020 allowed the O.P. No.2 to be released on bail on certain conditions.

The petitioner-cum- informant seeks cancellation of bail of O.P. No.2 primarily on two grounds. Firstly, that O.P. No.2 has suppressed the material fact about his criminal antecedent and, secondly, he is tampering with the evidence and threatening the witnesses.

It is submitted that O.P. No.2 has misled the court by stating that he has got no criminal antecedent whereas at the time of hearing of appeal O.P. No.2 was accused in two other criminal cases, that is, Chapra Town PS case No. 244/2019 and Chapra Town PS case No. 714/2019. It is further submitted that after release on bail O.P. No.2 had been threatening and pressuring the petitioner as well as his family members through anti social elements for compromising the matter and for this petitioner has filed application dated 13.07.2020 before the Superintendent of Police, Saran through registered post.

Learned counsel for the O.P. No.2 has filed detailed



counter affidavit. It is submitted that there is no deliberate laches or intention to conceal the materials about criminal antecedent of O.P. No.2, which is just a mistake committed by his father, who was Pairvikar of O.P. No.2, and he was not aware about the criminal antecedent of O.P. No.2. It is further submitted that O.P. No.2 and his family members are neither tampering with evidence nor threatening the petitioner/informant and his family members in view of non advancing the evidences during trial.

Having heard the submission of parties and on perusal of records, I find that O.P. No.2 was allowed bail vide order dated 01.06.2020 in view of nature of accusation alleged against him and had not considered his criminal antecedent. It is well settled law that cancellation of bail so granted has to be considered and dealt with on different basis. Reliance can be placed in this regard in the case of **Dolat Ram v. State of Haryana** reported in **(1995) SCC 1 349**, paragraph 4 of the aforesaid judgment reads thus:-

“4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or



attempt to interfere with the due course of administration of Justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non bailable case in the first instance and the cancellation of bail already granted”.

Thus, I do not find that petitioner has made out a good ground for cancellation of bail granted to O.P. No.2. This application, is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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