

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17683 of 2024**

Arising Out of PS. Case No.-2392 Year-2022 Thana- VAISALI COMPLAINT CASE
District- Vaishali

Sweta Joshi Daughter Of Nagendra Joshi Aka Nagendra Prasad R/O-Area Of
Makar Bazar (Nepal Medical Hall), P.O.-Maker, P.S.-Maker, Distt.-Saran,
Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar And Ors Bihar
2. Ravi Kumar Son Of Dinesh Prasad R/O-Area Of Agarpur (Chakbandi Road
Lalganj) P.O.-Lalhanj, P.S.-Lalganj, Distt.-Vaishali, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 10-04-2024 This is an application for cancellation of bail granted

to the Opposite Party No. 2 by this Court vide order dated

19.12.2023 passed in Cr. Misc. No. 48327 of 2023 arising out of

Complaint Case No. 2392/2022 pending in the Court of learned

A.C.J.M.-II, Vaishali at Hajipur.

2. Learned counsel for the petitioner submitted that

the O.P. No. 2 got the privilege of bail with mala fide intention.

Learned counsel has further submitted that the O.P. No. 2 is

regularly threatening the members of the family of the petitioner

and forcing them to withdraw the complaint, failing which the

petitioner and her family members would be subjected to severe



bodily harm. Learned counsel has further submitted that the offence of dowry is a serious matter and the accused person may tamper with the evidence. Learned counsel has further submitted that the bail order dated 19.12.2023 passed in Cr. Misc. No. 48327 of 2023 is a cryptic order.

3. Learned A.P.P. for the State is present but the learned counsel for the informant did not appear before the court during hearing of the said bail. Learned counsel has further submitted that there is no suppression of material fact by the petitioner. No application with regard to threat and tampering with the evidence were filed to the concerned police station and the learned court below. Learned counsel has further submitted that the bail order dated 19.12.2023 passed in Cr. Misc. No. 48327 of 2023 passed by this court on merit and it is not a cryptic order. 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 is rejected.

(Chandra Prakash Singh, J)

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