

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23215 of 2025

Arising Out of PS. Case No.-877 Year-2023 Thana- SUPAUL District- Supaul

Shambhu Mukhiya Son of Chotken Mukhiya Resident of Village- Basbitti,
Ward No. -9, PS- Supaul, District- Supaul, Bihar- 852130

... .. Petitioner/s

Versus

1. The State of Bihar
3. Sunil Mukhiya @ Sunil Kumar Son of Baua Mukhiya @ Baua Lal Mukhiya
Resident of Village- Basua Fatak, P.S. and Distt.- Supaul, Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kuldeep Kumar, Advocate
For the State	:	Mr. Md. Aslam Ansari, A.P.P.
For the O.P. No. 2	:	Mr. Arun, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-07-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the opposite party no. 2.

2. Learned counsel appearing on behalf of the
petitioner submits that opposite party no. 2 was granted the
privilege of anticipatory bail in a murder case by an order dated
17.09.2024 in Cr. Misc. No. 49345 of 2024. It is further
submitted that in Cr. Misc. No. 49345 of 2024, the opposite
party no. 2, at para 3, had pleaded that he has antecedent of 1
case when he had antecedent of two cases. It is, thus, submitted
that opposite party no. 2 by concealing his criminal antecedent
got the privilege of anticipatory bail, as such, the instant
cancellation application has been filed with a prayer to cancel



the anticipatory bail granted to the opposite party no. 2 by order dated 17.09.2024 in Cr. Misc. No. 49345 of 2024.

3. Learned counsel appearing on behalf of the opposite party no. 2 submits that the yardstick for grant of bail and cancellation of bail is different. It is further submitted that inadvertently, at para 3, one criminal antecedent of opposite party no. 2 could not be pleaded. It is next submitted that the said mistake was a bonafide inadvertence committed as inadvertently one criminal antecedent was not pleaded. It is also submitted that no doubt, the opposite party no. 2 was implicated in a case relating to murder of the brother of the informant but then the privilege of anticipatory bail was granted to the opposite party no. 2 with certain condition after considering the case of opposite party no. 2 on merits by a detailed order dated 17.09.2024 in Cr. Misc. No. 49345 of 2024.

4. It is submitted that petitioner has not filed the instant cancellation application seeking cancellation on the ground that charge-sheet has been submitted connecting the opposite party no. 2 with the offence but then has taken a plea that opposite party no. 2 had concealed his antecedent. It is further submitted that opposite party no. 2 is on anticipatory bail in the case and has not misused the privilege.



5. After hearing the learned counsel for the parties, the Court perused the order dated 17.09.2024 in Cr. Misc. No. 49345 of 2024.

6. The order dated 17.09.2024 has been passed after considering the case on merits in detail. Learned counsel appearing on behalf of the petitioner is also correct in his submission that opposite party no. 2 herein had concealed his criminal antecedent but then the learned counsel appearing on behalf of the opposite party no. 2 has submitted that the antecedent could not be pleaded on account of a bona fide inadvertence, though the criminal antecedent was disclosed by the deponent of Cr. Misc. No. 49345 of 2024.

7. The Court, thus, is not inclined to cancel the anticipatory bail granted to the opposite party no. 2 by an order dated 17.09.2024 in Cr. Misc. No. 49345 of 2024.

8. The cancellation application is rejected.

(Satyavrat Verma, J)

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