

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26709 of 2025

Arising Out of PS. Case No.-137 Year-2023 Thana- PANDAUL District- Madhubani

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Shambhu Mishra S/O Kali Kant Mishra R/O Vill.- Siswa, PS- Pandaul,
District- Madhubani, Bihar 847234

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pradeep Kumar Thakur @ Pradeep Thakur S/O Batohi Thakur R/O Vill.- Siswa, P.S.- Pandaul, Dist.- Madhubani- 847234

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Pandey
For the Opposite Party/s : Mr. Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-07-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner has filed the present application for
cancellation of bail granted to O.P. No. 2 vide order dated
07.08.2024 passed in Cr. Misc. No. 46265 of 2024 in connection
with Pandaul P.S. Case No. 137 of 2023 registered under
Section 341, 323, 324, 307, 354, 379, 504, 34 of the Indian
Penal Code.

3. The O.P. No. 2 had filed anticipatory bail
application before this court in Cr. Misc. No. 46265 of 2024,
which was allowed by this court, vide order, dated 07.08.2024,
taking into consideration the fact that both the parties are
related, there is land dispute between them and injury caused to
the informant is simple in nature.



4. Learned counsel for the petitioner submits that O.P. No. 2 suppressed the material fact by not producing the correct medical report of the victim inasmuch as the O.P. No. 2 produced the old medical report of the victim, dated 15.07.2023, in which nature of the injuries were classified as simple caused by hard and blunt substance, whereas, the side of the petitioner had challenged the medical report of simple injury dated 15.07.2023 before the Medical Board and medical board vide its report dated 26.09.2023 arrived at the conclusion that the injury of the victim was grievous in nature caused by hard and blunt substance. The O.P. No. 2 suppressed the medical report of Medical Board dated 26.09.2023 and persuaded this court based on the fact that injury was simple in nature.

5. He next submits that the order passed by this court granting anticipatory bail to the O.P. No. 2, was assailed before the Hon'ble Supreme Court in SLP (Criminal) Diary No(s). 6814 of 2025 which was withdrawn by the petitioner with the liberty to file appropriate proceedings before the High Court for cancellation of bail. He further argued that offense is serious in nature and Hon'ble Supreme Court in the case of Ajwar Vs. Waseem And Another reported in 2024 LiveLaw (SC) 392 has observed that if the offense is serious in nature, the bail can be



cancelled by the same court.

6. On the other hand, learned counsel for the O.P. No. 2 argued that there is no suppression of material fact on part of the O.P. No. 2 inasmuch as the anticipatory bail application was considered by learned Additional District and Sessions Judge, 3rd, Madhubani, on 14.08.2023 in which the case diary was called and injury report of the victim was there in Paragraph 29 of the case diary which was simple in nature. At the time of rejection of bail application of O.P. No. 2 on 14.08.2023, the injury report of the Medical Board dated 26.09.2023 was not available. Subsequently, thereafter, the petitioner filed a bail application before this Court challenging the order of the learned Additional District and Sessions Judge, 3rd, Madhubani, dated 14.08.2023, by which the anticipatory bail application of the petitioner was rejected. At the time of filing of the bail application before this court, the O.P. No. 2 was only knowing about the medical report produced along with the case diary at the time of hearing of his bail application by learned Additional District and Sessions Judge, 3rd, Madhubani, which was simple in nature and the report of the Medical Board, dated 26.09.2023, was not known to the O.P. No. 2 at all. There is no material to show that the petitioner was knowing about the injury report of



the Medical Board, dated 26.09.2023, as such, submission is that there was no suppression of material facts inasmuch as he was not knowing about the injury report of the Medical Board, dated 26.09.2023. He further submits that both the parties are relative and order granting bail to O.P. No. 2 is not only based upon nature of injury.

7. Having heard learned counsel for the parties and after going through the materials available on record, it appears that the O.P. No. 2 challenged the order dated 14.08.2023 before this court, by which learned Additional District and Sessions Judge, 3rd, Madhubani, rejected the anticipatory bail application of the O.P. No. 2. During course of hearing before the learned Additional District and Sessions Judge, 3rd, Madhubani, the case diary was called and the O.P. No. 2 came to know about the injury caused to the victim as simple in nature and accordingly, he submitted before this court regarding nature of injury of the victim as simple. There is no material on record to show that the injury report given by the Medical Board subsequently on 26.09.2023 was made available or known to the O.P. No. 2. If the O.P. No. 2 was not knowing about the injury report of the Medical Board, it is difficult to conclude that he suppressed regarding injury caused to the victim.



8. Considering the aforesaid fact, this court come to the conclusion that there is no deliberate suppression of material facts by O.P. No. 2, accordingly, this application for cancellation of bail of O.P. No. 2 is rejected.

(Anil Kumar Sinha, J)

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