

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26487 of 2025

Arising Out of PS. Case No.-118 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Anash Salam S/o- Late Abdul Salam @ Aslam Mukhiya R/o- Takiya Yakub
PS- Gopalganj Town District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Firoj Alam @ Firoj Ahmad @ Firoz Alam S/o- Late Maksud Alam R/o-
Takiya Yakub PS- Gopalganj Town District- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar- Advocate
		Mr. Md Danish Quamar- Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-07-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that
opposite party no.2 had approached this Court seeking regular
bail by filing Cr. Misc. No.42099 of 2024 and the same was
allowed by an order dated 21.09.2024 on the ground that the
case of the opposite party no.2 is akin to the case of Arif and
Arif was granted the privilege of of anticipatory bail by an order
dated 31.08.2024 in Cr. Misc. No.44362 of 2024. Since the case
of the opposite party no.2 was akin to the case of Arif, hence
opposite party no.2 was also granted the privilege of bail by
order dated 21.09.2024 in Cr. Misc. No.42099 of 2024.



3. The learned counsel appearing on behalf of the petitioner next submits that the instant cancellation application has been filed seeking cancellation of regular bail granted to the opposite party no.2 by an order dated 21.09.2024 in Cr. Misc. No.42099 of 2024 on the ground that opposite party no.2 on being released on regular bail, again indulged in assaulting the uncle of the informant of the instant case along with other accused persons, who was a witness in the instant FIR instituted against the opposite party no.2 and others with an allegation that they were involved in killing the father of the petitioner.

4. The learned counsel for the petitioner further submits that uncle of the present petitioner instituted Gopalganj P. S. Case No.131 of 2025 dated 18.02.2025 against the opposite party no.2 and others alleging that he was intercepted by the accused persons including the opposite party no.2 herein and Saddam, who was carrying a pistol, assaulted by butt of the pistol causing injury on head and thereafter, Md. Adud assaulted him by Dab causing injury on head, thereafter other accused assault him by rod and knife when people gathered, the accused persons fled away and the informant Abdul Hanan, uncle of the present petitioner was brought to the hospital where he was treated. It is next submitted that from perusal of the injury report



of Abdul Hanan annexed as Annexure-P/5, it would manifest that injury nos.1 and 2 were opined to be grievous caused by hard and blunt substance. The learned counsel for the petitioner thus submits that since uncle of the petitioner namely Abdul Hanan, who had instituted Gopalganj P. S. Case No. 131 of 2025 was assaulted by the accused persons including the opposite party no.2, as such, the instant cancellation application has been filed on the ground that subsequent conduct of the opposite party no.2 after being released on regular bail warrants cancellation of regular bail granted to the opposite party no.2.

5. The learned A.P.P. Sri Chandra Bhushan Prasad vehemently rebuts the said submission of the learned counsel appearing on behalf of the petitioner and submits that yardstick for grant of bail and cancellation of bail are different. It is next submitted that Gopalganj P. S. Case No. 131 of 2025 instituted by Abdul Hanan with certain allegation, cannot be construed to be a gospel truth as allegations are in realm of allegation. It is also submitted that no doubt, the grounds taken by the petitioner that subsequent conduct of the opposite party no.2 warrants cancellation of bail is not without merit, but then, Gopalganj P. S. Case No. 131 of 2025 is under investigation. It is also submitted that police after investigation may submit charge-



sheet against the opposite party no.2 finding the case to be true or may file final form exonerating the accused of the allegations. It is thus submitted that when Gopalganj P. S. Case No. 131 of 2025 is under investigation whether it would be prudent for the Court to cancel the bail granted to the opposite party no.2, at this stage. It is also submitted that in the event, if final form is submitted exonerating the opposite party no.2 of the allegations, in such condition what will happen ?. It is next submitted that since an FIR has been instituted by the uncle of the petitioner herein and the same is under investigation and after investigation if charge-sheet is submitted finding the allegations to be true, in that event, the opposite party no.2 will face the consequences.

6. The learned A.P.P. next submits that opposite party no.2 in the instant case was apprehended and was sent to judicial custody and thereafter, he was released on bail by order dated 21.09.2024 in Cr. Misc. No.42099 of 2024.

7. On query of the Court from the learned counsel appearing on behalf of the petitioner herein that as to whether the opposite party no.2 in the instant case was apprehended in Gopalganj P. S. Case No. 131 of 2025 or not, on which the learned counsel appearing on behalf of the petitioner fairly



submits that opposite party no.2 was arrested in the Gopalganj P. S. Case No.131 of 2025 and thereafter, he was subsequently granted bail by this Court.

8. At this stage, the learned A.P.P. interjects and submits that the opposite party no.2, in the aforesaid case as submitted by the learned counsel appearing on behalf of the petitioner, has already been granted the privilege of regular bail, as such, no useful purpose would be served by cancelling the bail granted to the opposite party no.2 by order dated 21.09.2024 in Cr. Misc. No.42099 of 2024.

9. The Court is in complete agreement with the submissions made by the learned A.P.P., as such, finds no merit in the cancellation application, accordingly the cancellation application is rejected.

(Satyavrat Verma, J)

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