

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49907 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- BIND District- Nalanda

Md. Sami Ahmad S/o Late Md. Mukarmuddin @ Mokarram Khan, Resident of Village- Nirpur, Police Station Bind, District Nalanda, at present residing at Mohalla- Kashi Takiya, Police Station Laheri, Bihar Sharif, District Nalanda, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Murtaza Khan @ Saddam Khan @ Bocha S/o Israil Khan @ Ismail Khan R/o vill - Nirpur, P.S. - Bind, Distt. - Nalanda (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aklavya Chandan Kumar, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 24-11-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. This Cr. Misc. petition has been filed to cancel the bail of the O.P. No. 2 which was granted by learned Additional Sessions & District Judge-II-cum-Special Judge, POCSO, Nalanda at Bihar Sharif *vide* order dated 20.04.2024 in A.B.P. No. 509 of 2024, arising out of Bind P.S. Case No. 22 of 2024.

3. Learned counsel for the petitioner submits that in the case diary, there is ample material against the O.P. No. 2. He further submits that the learned Trial Court has failed to acknowledge that although as per medical report, the injury to the injured is simple in nature but in view of the petitioner, the



same appears to be grievous in nature and without considering severity of offence, granted bail to O.P. No. 2. He also submits that learned Court concerned has observed that O.P. No. 2 has no criminal antecedent and the allegation of assault is not specific but in the F.I.R. it is stated that five accused persons including the O.P. No. 2 assaulted the informant/petitioner with *lathi-danda* and *gadasa* due to which petitioner sustained severe head injuries. There is specific allegation against the O.P. No. 2, therefore, the bail of the O.P. No. 2 shall be cancelled.

4. Learned A.P.P. for the State opposed and submitted that in the F.I.R., there is no specific allegation against O.P. No. 2 for committing the *maarpit* rather the allegation against the O.P. No. 2 is general in nature. The injury caused to the petitioner is simple in nature. O.P. No. 2 has no criminal antecedent and learned Court concerned, by considering all facts and circumstances, passed the bail order on merit. It is further submitted that the order of granting bail to O.P. No. 2 is not unjustified or illegal or perverse which requires interference by this Court at this stage. Therefore, no case is made out by the petitioner to cancel the bail of the O.P. No. 2.

5. Law is well-settled that cancellation of bail requires a demonstrable instance of misuse of liberty, such as tampering



with the evidence, threatening witnesses, or obstructing the investigation, none of which has been substantiated in the present case. In absence any cogent, proof of such abuse, the settled principle of law mandates that the bail order ought not be interfered with.

6. Considering the facts and circumstances of the case and submissions made by learned counsel for the parties, no case is made out for cancellation of bail of O.P. No. 2, this Court is not inclined to cancel the bail of the O.P. No. 2. Accordingly, the present Cr. Misc. petition stands dismissed.

(Sunil Dutta Mishra, J)

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