

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47597 of 2022

Arising Out of PS. Case No.-290 Year-2021 Thana- GURUA District- Gaya

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Md. Shabaz @ Md. Shahbaz Alam S/O Md. Shahzruddin Khan Resident of
Village- Bereni Cherki Bazar, P.S.- Cherki Bazar District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabbir Ahmed S/O Badruzzaman Khan Resident Of Manjhar (Cherki),
Gurua, District- Gaya (824237).
3. Jhankia Devi @ Shakila Khatoon W/O Shabbir Ahmad Resident Of Manjhar
(Cherki), Gurua, District- Gaya (824237).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhil Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-12-2025 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. Nos. 2 & 3 which was granted by learned
Sessions Judge, Gaya *vide* order dated 07.05.2022 in A.B.P. No.
3491 of 2021, arising out of Gurua P.S. Case No. 290 of 2021.

3. Learned counsel for the petitioner submits that in
the order granting bail to O.P. Nos. 2 & 3 suffers from serious
infirmity inasmuch as the opposite parties had deliberately
concealed their criminal antecedent at the time of their bail
application. He further submits that the concealment was



material and had the potential to mislead the Court, thereby vitiating the satisfaction recorded while enlarging the accused on bail. Learned counsel submits that suppression of criminal history is sufficient ground for cancellation of bail, as it reflects lack of *bona fide* and renders the accused undeserving of the discretionary relief. Learned counsel, therefore, prayed that the bail granted earlier be cancelled and the opposite parties be taken into custody.

4. Learned A.P.P. for the State opposed and submitted that the 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. Nos. 2 & 3 is not unjustified or illegal or perverse which requires interference by this Court at this stage. It is submitted that criminal antecedent by themselves cannot constitute a ground for denial of bail, even assuming that the opposite parties failed to disclose certain cases, the same, by itself without demonstration of prejudice to administration of justice, cannot be treated as a ground sufficient for cancellation of bail. Therefore, no case is made out by the petitioner to cancel the bail of the O.P. Nos. 2 & 3.

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. Moreover, it is well settled that if the accused makes out a *prima facie* case, depending upon the fact situation and period of incarceration, the presence of antecedents may not be a ground to deny bail.

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. Nos. 2 & 3 at this stage. Accordingly, the present Cr. Misc. petition stands dismissed.

(Sunil Dutta Mishra, J)

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