

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49021 of 2025

Arising Out of PS. Case No.-401 Year-2024 Thana- MADANPUR District- Aurangabad

Kamlesh Kumar Singh S/o Late Mundrika Singh R/o Village- Pema, P.S.-
Madanpur, Distt- Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar S/o Purendra Yadav R/o Vill- Badal Bigha, P.S.- Madanpur,
Distt- Aurangabad (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rohit Kumar, Advocate
	:	Mr. Jitendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 14-11-2025 Heard Mr. Rohit Kumar, learned counsel for the

petitioner though video conference and Mr. Narendra Kumar

Singh, learned APP for the State.

2. The present application has been filed for
cancellation of anticipatory bail granted to the accused/opposite
party no.2, namely Sunil Kumar vide order dated 23.04.2025
passed by this Court in Cr. Misc. No.1866 of 2025 arising out of
Madanpur P.S. Case No.401 of 2024.

3. The learned counsel for the petitioner has submitted
and it also appears from the records that the present application
for cancellation has been filed in view of the liberty granted by
the Hon'ble Apex court by way of SLP (C) Diary



No.26604/2025 to move before the High Court.

4. It has primarily been submitted that the relief sought in the present application is on the ground of suppression of material facts, particularly the fact of existence of a land dispute between the accused/opposite party no.2 and the informant which led to his false implication, which is denied by the present petitioner(informant).

5. The other grounds put forward relate to lapses in investigation and seriousness of the nature of the offence which would not be a relevant consideration for the purpose of taking a view on cancellation of bail of the accused. It has been clearly laid down by a catena of judgments that there is a vivid distinction between parameters to be applied while considering a bail application, viz-a-viz those applicable while deciding a petition for its cancellation, which if placed before the same Court, the scope of consideration gets confined to issues pertaining to suppression of fact, misrepresentation, violation of conditions of bail, tampering with the evidence, threatening the informant or witnesses etc.

6. So far as the present case is concerned, it could be a fact that a land dispute has been wrongly alleged by the petitioner, but the same does not form the ground or basis for



granting anticipatory bail to the opposite party no.2, hence it would not be a relevant factor to be considered for the purposes of cancellation of anticipatory bail.

7. So far as testing the order on grounds of correctness of perversity is concerned, the same can only be delved into by the Hon'ble Apex Court and the order of the Hon'ble Supreme Court dated 03.06.2025 is clear to the extent that it did not interfere on such grounds. Thus, considering the aforementioned facts and circumstances and particularly considering that no definite case has been made out for cancellation of bail already granted to the opposite party no.2, the present application stands dismissed.

8. However, it has been informed that the investigation has still not progressed, despite specific direction to the opposite party no.2 of cooperating with the investigation, as such the Investigating Officer of Madanpur P.S. Case No.401 of 2024 is directed to conduct the investigation expeditiously and reach the same to its logical conclusion.

(Soni Shrivastava, J)

anand/-

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