

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69622 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- AIRPORT District- Patna

Kajal Kumari, Daughter of Ramesh Prasad, R/o Mubarakpur Sati chaura
mandir, near Ice cream factory Danapur, district -Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhananjay Kumar, Son of Late Prem Kumar Ram, resident of village-
Khaushal Nagar, Police Road, Quarter No. 27, PS- Hawai Adda, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sarvan Kumar, Advocate
For the State	:	Mr.Uday Pratap Singh, APP
For the O.P.No.2	:	Mr. Vinod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

13 31-10-2025 Heard learned counsels for the parties.

2. The present petition has been filed for cancellation of anticipatory bail granted to the opposite party no.2 by this Court *vide* order dated 24.04.2024 passed in Cr. Misc. No. 19123 of 2024.

3. The learned counsel for the petitioner submits that after grant of anticipatory bail, the petitioner and his two brothers, who are constables in Bihar Police, have been threatening the petitioner to kill her and her family members. The applications to this effect have been given to the Director General of Police, Bihar, Patna on 25.06.2024 and to the Senior Superintendent of Police, Patna on 27.07.2024. The learned



counsel further submits that the petitioner and the opposite party no.2 solemnized marriage and now the opposite party no.2 has been denying the marriage and spreading dirty rumours and assassinating the character of the petitioner. The petitioner has been leading her life under constant threat and the police has not been taking any action against the opposite party no.2 for the reason that the opposite party no.2 and his brothers are police constables. Therefore, anticipatory bail granted to the petitioner is liable to be cancelled for extending threats to the petitioner.

4. The learned counsel appearing on behalf of the opposite party no. 2 vehemently opposes the submission made on behalf of the petitioner. The learned counsel submits that the present petition has been filed with completely false allegation. The opposite party no. 2 has been dismissed from service on 30.05.2025 due to the allegations made by the petitioner and the brothers of the opposite party no. 2 never extended any threat to the petitioner. This fact is clear from the application as contained in Annexure-3 of the present petition which shows the allegation against the opposite party no.2 and his brothers is for 23.04.2024, i.e., prior to grant of anticipatory bail to the opposite party no.2. The allegations of the petitioner are completely false, concocted, general and omnibus against the



opposite party no.2 and his brothers. It is not believable that the opposite party no.2 and his brothers have been extending threat of life to the petitioner and still she has been staying in the house of opposite party no.2, which is apparent from the rejoinder to the counter affidavit. The learned counsel further submits that the main grievance of the petitioner appears to be against opposite party no.2 for not accepting her as his wife and for this reason a number of cases have also been lodged by the petitioner as well as opposite party no.2. In these facts and circumstances, no case is made out for cancellation of anticipatory bail granted to the opposite party no.2.

5. Perused the record.

6. From perusal of record, it appears that the opposite party no.2 was granted anticipatory bail after due consideration of the submission of the parties and the petitioner was represented through her counsel and after considering the submission of the informant/petitioner, the order dated 24.04.2024 was passed. Now for cancellation of bail, law is settled and recently the Hon'ble Supreme Court in the case of ***Sanjay Kumar Jangid and Anr. vs. Mukesh Kumar Agarwal & Anr. (Criminal Appeal Nos. 2381 of 2025, arising from SLP (Crl) No. 1632 of 2025)*** has held in paragraph 16 as under :

“16. The jurisprudence surrounding



*cancellation of bail under Section 439(2) of the CrPC is very clear as to that bail once granted should not be cancelled in a mechanical manner unless any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to enjoy the concession of bail during the trial. The grounds for cancellation of bail as illustrated in **Raghubir Singh v. State of Bihar** and reiterated in **Aslam Babalal Desai v. State of Maharashtra** broadly lay down the grounds on which a bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. These grounds are illustrative and not exhaustive. It has also been echoed in various judgments that rejection of bail stands on a different platform as compared to cancellation of bail which is considered to be a harsh order as it interferes with the liberty of an individual, and hence, it must not be lightly resorted to”.*



7. Now, in the present case, cancellation of bail is sought on the ground that the opposite party no.2 and his brothers have been giving threat to kill the petitioner and her family members. Except for making this allegation and submitting applications to the authorities, nothing concrete has come on record to show any act was done pursuant to these threats as alleged by the petitioner. Admittedly, the petitioner has been staying in the house of opposite party no.2 and this fact itself shows the allegations made against the opposite party no.2 should be taken with pinch of salt. Therefore, merely on this bland allegation, liberty of the opposite party no. 2 should not be interfered with. The exercise of power for cancellation of bail is a serious matter and needs to be exercised with circumspection and that too, only when, the circumstances demand for it. However, in any case, the petitioner being informant is always at liberty to approach the court concerned if the opposite party no. 2 is found tampering with the witnesses or interfering with the investigation/trial.

8. In the light of aforesaid discussion as well as law laid down by the Hon'ble Supreme Court, I do not find any concrete ground for cancellation of anticipatory bail granted to the opposite party no.2 and hence, finding no merit in the



present petition, the same is dismissed.

(Arun Kumar Jha, J)

V.K.Pandey/-

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