

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81992 of 2024

Arising Out of PS. Case No.-156 Year-2024 Thana- SIKARPUR District- West Champaran

Pandit Chandeshwar Dixit @ Chandeshwar Dixit Son of Tarkeshwar Dikshit,
Resident of Village- Chengauna @ Chegauna, PS- Shikarpur, District- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Safal Dixit @ Ravi Ranjan Dixit @ Safal Dikshit Son of Sanjay Dixit @
Bhanu Dikashit @ Jhunnu Dikshit @ Jhunhun Dikshit, Resident of Village-
Chengauna @ Chegauna, PS- Shikarpur, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Himanshu Ranjan, Advocate
For the Opposite Party/s :	Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 09-12-2025 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 O.P. No.2 which was granted by a Co-ordinate Bench of
this Court *vide* order dated 25.07.2024 passed in Cr. Misc.
No.48662 of 2024 arising out of Sikarpur @ Shikarpur P.S. Case
No.156 of 2024.

3. Learned counsel for the petitioner submits that the
order granting bail to O.P. No.2 suffers from serious infirmity
inasmuch as instead of six criminal antecedents, O.P. No.2 had
deliberately disclosed only four criminal antecedents at the time
of his 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 O.P. No.2 be taken into custody.

4. Learned A.P.P. for the State opposed and submitted that on considering the submissions of learned counsel for O.P. No.2 and on perusal of allegation as alleged in the F.I.R. that there is a land dispute between the parties and the informant (petitioner here), who is uncle of O.P. No.2, is trying to usurp the property of O.P. No.2 and the informant used to file criminal cases against the O.P. No.2, who is a practising advocate, a Co-ordinate Bench of this Court granted anticipatory bail to O.P. No.2 on merit. It is further submitted that the order of bail to O.P. No.2 is not unjustified or illegal or perverse which requires interference by this Court at this stage. It is submitted that criminal antecedents by themselves cannot constitute a ground for denial of bail, even assuming that the opposite party 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. 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. 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. No.2 at this stage.

7. Accordingly, the present Cr. Misc. petition stands dismissed.

(Sunil Dutta Mishra, J)

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