

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80931 of 2024

Arising Out of PS. Case No.-409 Year-2024 Thana- DHANARUA District- Patna

Vikash Choudhary S/o Ganauri Choudhary Resident of Village- Maidikla,
Police Station- Khudaganj, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Kumar Chaudhary @ Shev Kumar S/o Late Yamuna Chaudhary R/o vill- Dhanarua, Distt.- Patna
3. Upendra Kumar @ Upendra Chaudhary S/o Shiv Kumar Chaudhary @ Shev Kumar R/o vill - Dhanarua, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Advocate
For the State	:	Mr. Shailendra Kumar, APP
For the O.Ps.	:	Mr. Bimlesh Kumar Pandey, Advocate

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 the O.P. Nos.2 & 3 which was granted by a Co-ordinate
Bench of this Court *vide* order dated 03.10.2024 passed in Cr.
Misc. No.70708 of 2024, arising out of Dhanarua P.S. Case
No.409 of 2024.

3. Learned counsel for the petitioner submits that the
order granting bail to O.P. Nos.2 & 3 suffers from serious



infirmity inasmuch as the opposite parties had deliberately concealed their one criminal antecedent i.e. Dhanarua P.S. Case No.596 of 2023 registered under Sections 341, 323, 379, 504 and 34 of I.P.C., 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 counsel for the O.P. Nos.2 and 3 opposed and submitted that due to inadvertence one criminal antecedent was not mentioned in the bail petition by O.P. Nos.2 and 3, registered under Section 379 of I.P.C. and other minor sections for which O.P. Nos.2 and 3 tender unconditional apology. He further submits that O.P. Nos.2 and 3 are in-laws of the deceased and on the ground that they have been living in the same premises and considering doubtful nature of the case, the Co-ordinate Bench of this Court passed the bail order on merit. It is further submitted that the order of bail to O.P. Nos.2 and 3 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 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 and 3.

5. Learned A.P.P. for the State submits that there is no valid ground made out by the petitioner for interference in the impugned order to grant regular bail to the in-laws of deceased at this stage.

6. 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.



7. 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 and 3 at this stage.

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

(Sunil Dutta Mishra, J)

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