

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8028 of 2023

Arising Out of PS. Case No.-360 Year-2022 Thana- BAHADURPUR District- Patna

IRFANA KHATUN Wife of Md. Salauddin Resident of Mohalla- New
Azimabad Colony, Mahendru, P.S.- Bahadurpur, District- Patna (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Kalamuddin Son of Late Md. Jalaluddin Resident of Mohalla- New
Azimabad Colony, Mahendru, P.S.- Bahadurpur, District- Patna (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aklavya Chandan Kumar, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 08-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present application has been filed for
cancellation of regular bail granted to the opposite party no.2 vide
order dated 19.12.2022 passed by the learned Addl. District and
Sessions Judge-I, Patna City, Patna in B.P. No. 1563 of 2022.

3. The primary ground urged by the learned counsel
for the petitioner is that there has been suppression of material
facts, inasmuch as the Investigating Officer had submitted a
report stating therein that the informant i.e. the injured, the
husband of the present petitioner, had not undergone any medical
treatment in any hospital, therefore, no injury report was available
on record in the present case. Contrary to the said stand taken by
the Investigating Officer, the petitioner has brought on record
Annexure-6 to the petition which shows that the informant had, in
fact, sustained a grievous injury on his leg.



4. Upon perusal of the records, this Court finds that the Investigating Officer had submitted a requisition dated 30.11.2022 stating that no injury report was available on record. The injury report relied upon by the petitioner is dated 26.12.2022, which is not only subsequent to the date of the Investigating Officer's requisition but also post the date of grant of regular bail to the opposite party no.2 on 19.12.2022.

5. It is further evident that the impugned order granting bail to the opposite party no.2 refers to a discharge ticket produced by the informant before the Court concerned, which is dated 14.09.2022, whereas the alleged occurrence took place on 31.10.2022. Upon inquiry, learned counsel for the petitioner submits that the discharge ticket dated 14.09.2022 pertains to an injury sustained by the informant in connection with an earlier case and not to the incident involved in the present case. It is also not in dispute that the opposite party no.2 had remained in custody since 01.11.2022 and was granted bail on 19.12.2022 and at the time of grant of bail, there was no injury report available on record.

6. This Court has also examined the F.I.R., which discloses general and omnibus allegations of assault against all the accused persons including opposite party no.2. Although it is alleged that firearms were also used in the incident, the injury



report (Annexure-6) indicates that the informant sustained a grievous injury on the left leg caused by hard and blunt object, however, not on vital part of the body.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering settled position of law that the parameters for cancellation of bail are entirely different from those applicable at the stage of grant of bail, this Court finds no reason to interfere with the order passed by the learned Court concerned.

8. Accordingly, this Court does not find any sufficient ground to cancel the bail granted to opposite party no.2 and hence, the instant application stands dismissed.

9. However, it is clarified that in the event of any supervening circumstances arising subsequent to the grant of bail, the petitioner shall always be at liberty to approach the Court concerned for appropriate redressal of grievances.

(Soni Shrivastava, J)

Harsh/-

U		T	
---	--	---	--

