

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28551 of 2025

Arising Out of PS. Case No.-241 Year-2024 Thana- AMDABAD District- Katihar

Narad Prasad Singh Son of Late Ram Baran Singh Resident of village -
Bahadurpur, P.S.- Manihari, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pritam Kumar Singh Son of Ajay Kumar Singh Resident of village - Jaduwa
Patar, P.S.- Amdabad, District - Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Sinha, Advocate
		Md. Musowir, Advocate
For the Opposite Party/s	:	Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 29-01-2026 Heard learned counsel for the petitioner and learned
APP of the State.

2. The petitioner has filed the present application seeking cancellation of regular bail granted to opposite party no. 2 by the learned District and Addl. Sessions Judge-IV, Katihar vide order dated 28.02.2025 passed in B.P. No.87 of 2025.

3. Learned counsel for the petitioner has submitted that there are specific allegations against opposite party no.2 of brutally assaulting the informant's son and yet it has been stated in the order granting bail that there is no direct allegation to commit the murder against the present petitioner which would amount to not considering the facts on record in the correct



perspective. It has also been pointed out that the statement of the witness, Ravi Kumar Singh, who made the direct allegation, has been distorted and exaggerated.

4. Upon going through the order granting bail to opposite party no.2, this Court is of the opinion that the learned Court concerned has taken into account the fact that there is an attack and counter attack between the parties in litigation resulting in injuries on both sides. There is no direct allegation against opposite party no.2 in committing the murder of the deceased and the statement of the informant also is not specific regarding commission of murder against opposite party no.2. From bare perusal of the F.I.R, it appears that specific allegation of assault in upon co-accused Shiv Kumar Singh, who has assaulted by means of *hasua* in the stomach of the deceased causing laceration of the intestine. So far as opposite party no. 2 is concerned, there is an allegation of inflicting *bhala* blow which was inflicted near eye, on account of which injuries are alleged to have been caused, but same does not appear to be the cause of death of the deceased.

5. In such view of the matter, this Court find no reason to differ with the finding and observation of the Court concerned and his consideration for granting regular bail to the



opposite party no.2. In absence of any direct allegation in order to commit the murder of the deceased and keeping in view the period of custody undergone, no interference is warranted. The law is settled by way of various judicial pronouncements that parameters for cancellation of bail are entirely different from those applicable to the grant of bail, and unless compelling circumstances and cogent and overwhelming factors are brought on record, relief with regard to cancellation of bail should not be granted.

6. Taking into consideration the aforesaid facts and also in view of law laid down in this regard, this Court is not inclined to interfere with the order granting bail to the opposite party no.2, as such, application for cancellation of bail is rejected. However, It is made clear that any observation made in the order granting bail shall not, in any manner, affect or prejudice the case of the prosecution.

(Soni Shrivastava, J)

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