

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33190 of 2026
In
CRIMINAL MISCELLANEOUS No.74201 of 2024

Arising Out of PS. Case No.-813 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Anil Kumar S/o Shiv Kumar Mahto R/o Village- Rasulpur Mohalla, P.S.-
Maner, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nirmal Sah S/o Ishwar Sah R/o vill - Baraki Kharari, P.s.- Karaghar, Distt.-
Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvadeo Singh, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-06-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present application has been filed for seeking
modification/recall of the order dated 11.02.2026 passed in Cr.
Misc. No. 74201 of 2024, whereby and whereunder, regular bail
granted to the petitioner was cancelled.

3. Earlier, the bail application of the petitioner was
granted by this Court vide Cr. Misc. No. 1808 of 2024 and
thereafter, the same has been cancelled by the order dated
11.02.2026 in Cr. Misc. No. 74201 of 2024 which reads as
follows:-

*“Heard the learned counsel for the
petitioner and the learned counsel for the State.
However, none has appeared on behalf of O.P.
No. 2.*

2. This application has been filed under



section 439(2) of the Code of Criminal Procedure, for the cancellation of the bail bonds furnished by the O.P. No. 2 in light of the order dated 18.01.2024 passed by this Court in Cr. Misc. No. 1808 of 2024.

3. It has been informed to this Court that Sri Rupesh Kumar, who was earlier appearing for the O.P. No. 2 has passed away.

4. Md. Ejaz Akhtar has no vakalatnama on behalf of the O.P. No. 2, and he further states that he had informed the O.P. No. 2, but the O.P. No. 2 has not executed a vakalatnama.

5. The Hon'ble Supreme Court in the case of **Bhagwan Singh vs Dilip Kumar @ Deepu @ Deepak** reported as **2023 SCC OnLine SC 1059** has held as under:

13. It is also required to be borne in mind that when a prayer is made for the cancellation of grant of bail cogent and overwhelming circumstances must be present and bail once granted cannot be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it in conducting to allow fair trial. This proposition draws support from the Judgment of this Court in Daulat Ram and others v. State of Haryana reported in (1995) 1 SCC 349, Kashmira Singh v. Duman Singh (1996) 4 SCC 693 and xxx v. State of Telangana (2018) 16 SCC 511.

14. This Court in Daulat Ram's case has held that the cancellation of the bail has to be dealt on a different footing in comparison to a proceeding for grant of bail. It has also been held that there can be supervening circumstances which may develop post the grant of bail and are nonconducive to the fair trial, making it necessary to cancel the bail and this principle has been reiterated time and again and more recently in the Judgment of Ms. X v. State of Telangana (supra).

6. It is trite law that the conduct of the accused who has been enlarged on bail and his unwillingness to cooperate in the investigation



by employing dilatory tactics are relevant compelling reasons for this Court to consider canceling the bail granted to the accused-opposite Party No.2. It is equally settled position that bail once granted can not be mechanically canceled, however the accused who is resorting to dilatory tactics to protract the investigation.

7. From the records, it appears that the O.P. No. 2 after being granted bail by this Court by order dated 18.01.2024 in Cr. Misc. No. 1808 of 2024, is trying to delay the proceedings.

8. A report received from the Superintendent of Police, Kaimur (Bhabua) also states that the accused persons including the Opposite Party No.2 are not cooperating with the investigation.

9. The conduct of the Opposite Party no. 2 indicates a tendency on his part to misuse the bail granted to him, since not only is the accused-opposite party no.2 not complying with the specific conditions on which his bail was granted by not cooperating with the investigation, but also a callous approach has been adopted by him before this Court.

10. In view of the facts and circumstances of the case, the prayer for cancellation of bail bonds furnished by the O.P. No. 2 is allowed.

11. Accordingly, the bail granted to the O.P. No. 2 by order dated 18.01.2024 in Cr. Misc. No. 1808 of 2024 is hereby cancelled.

12. Let a copy of this order be communicated to the Principal District & Sessions Judge, Kaimur at Bhabua and the Superintendent of Police, Kaimur at Bhahua through FAX for its compliance forthwith.”

4. In my opinion, no modification is maintainable in this case.



5. Accordingly, this application for modification is dismissed.

6. The cancellation of bail was passed on 11.02.2026 but till date, the petitioner has not surrendered.

7. In these circumstances, the Superintendent of Police, Bhabua is directed to ensure the arrest of the petitioner, as the petitioner is not abiding by the orders of this Court and file a report to this Court after two weeks.

8. Let a copy of this order be communicated to the Superintendent of Police, Bhabua through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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