

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29395 of 2022

Arising Out of PS. Case No.-374 Year-2021 Thana- JAGDISHPUR District- Bhojpur

VIJAY SHREE D/o Manoj Kumar Singh, W/o Gajendra Singh R/o village-
Saneya, P.S.- Jagdishpur, District- Bhojpur, At present Krishna Nagar, Bhelai
Road, Zero Mile, P.S.- Udvantnagar, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gajendra Singh S/o Dev Kumar Singh R/o village- Chhotaki Haradiyan,
P.S.- Jagdishpur, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surj Bansh Roy, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 29-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present application has been filed for
cancellation of anticipatory bail granted to the opposite party
no.2 by order dated 22.04.2022 by the Court of the learned
District and Sessions Judge, Bhojpur at Ara in A.B.P. No. 53 of
2022.

3. Learned counsel for the petitioner submits that the
present case is one under Section 498A of the Indian Penal Code
and the opposite party no. 2, who was the petitioner in the bail
application, was the husband. The ground taken for cancellation
him is that without hearing the petitioner and giving sufficient



notices, the opposite party no.2 has been granted the privilege of anticipatory bail and the other ground taken by him relates to the supervening circumstances of threatening of dire consequences being given to the petitioner by the opposite party no. 2.

4. So far as the first ground of insufficient notices is concerned, it is apparent from the bare perusal of the order granting anticipatory bail that the counsels for the husband (opposite party no.2), wife (petitioner) and the State were all given due hearing and in the last paragraph of the order it has been clearly stated that after hearing both the parties and upon consideration of the records including the application under Section 13 of the Hindu Marriage Act also having been filed on behalf of the opposite party no.2 (husband) that the privilege of anticipatory bail had been granted. As such, this Court finds no reason to interfere with the well considered order, considering the law which has been settled with regard to parameters for grant of bail stands on completely different level from that of cancellation thereof. In such view of the matter, this Court is not inclined to cancel the bail already granted to the opposite party no. 2, as such, the present application for cancellation of bail is dismissed.



5. However, with regard to supervening circumstances of threatening, the petitioner is granted liberty to raise the issues before the Court concerned which has granted bail to the opposite party no.2 and the concerned Court would dispose of, any such application filed by the petitioner, in accordance with law.

(Soni Shrivastava, J)

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