

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61921 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- SC/ST District- Supaul

PAWAN RAM Son of Guneshwar Ram Resident of Village - Pipra Khurd,
P.S. - Supaul, District - Supaul, State - Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jata Shankar Lal Das @ Dholoo Son of Late Hari Shankar Lal Das Resident of Village - Supaul Nagar Parishad Ward No. - 24, P.S. - Supaul, District - Supaul, State - Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Advocate
		Mr. Kuldeep Kumar, Advocate
For the Opposite Party/s	:	Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 30-01-2026 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 Addl. Sessions Judge-I, Supaul vide order dated 15.06.2021 passed in SC/ST Case No.43 of 2021 (arising out of Supaul SC/ST P.S. Case No.16 of 2021) for the offence under Sections 420, 341, 323, 406, 504, 506 and 34 of IPC and Section 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the petitioner has prayed for cancellation of bail granted to the opposite party no.2 on the ground that he has suppressed his criminal antecedent as it



would be evident from the order granting bail that it has been mentioned that opposite party no.2 has clean antecedent. Learned counsel for the petitioner has made a reference of a few judgments of Hon'ble Supreme Court which are *Himanshu Sharma Vs. State of Madhya Pradesh [(2024) 4 SCC 222]* and *Ash Mohammad Vs. Shiv Raj Singh & Ors. [(2012) 9 SCC 446]* and has relied on the said judgments to contend that suppression of criminal antecedent would be one of the grounds for cancellation of bail.

4. After going through the records of this case, this Court finds that so far as merits of the case is concerned, the case relates to minor scuffle between the parties and taking away of Rs. 10,000/- from the informant leading to some allegations of abuse and assault by fist and slaps. In such background of the case, regular bail was granted to the opposite party no.2 vide order dated 15.06.2021 wherein it was recorded that he has no criminal antecedent but it is also evident that criminal antecedent was not one of the relevant consideration for grant of such bail. It would also appear from the present application that opposite party no.2 has only one criminal antecedent which is not of similar nature as the present case and is also not under serious provisions. In such view of the matter,



it cannot be said that there is a deliberate attempt on the part of the petitioner to suppress his antecedent.

5. So far as the judgments relied upon by the petitioner is concerned, it would be evident from the case of *Himanshu Sharma Vs. State of Madhya Pradesh [(2024) 4 SCC 222]* that one of the conditions of cancellation has been stated as bail being procured by mis-representation or fraud. It does not appear that non-disclosure of one criminal antecedent would amount to procuring the order on the basis of mis-representation or fraud. Even in case of *Ash Mohammad Vs. Shiv Raj Singh & Ors. [(2012) 9 SCC 446]*, paragraph 33 of the same would indicate that antecedent of the accused would also be a factor for consideration depending upon nature of crime and considering that in the said case there was a confinement for eight days, as such, antecedent was taken as a relevant consideration.

6. After having taken into consideration the aforesaid facts and circumstances of the case and submissions made on behalf of petitioner and the judicial pronouncements relied upon him, this Court would gainfully refer to another judgment rendered by the Hon'ble Supreme Court in case of *Abhimanue Etc. Etc. Vs. State of Kerala [2025 INSC 1136]* and would



quote paragraph no.23 thereof to point out the fact that antecedents by themselves cannot constitute a ground for denial of bail.

*“23. Our attention was also invited to the status report filed by the State, to indicate the various criminal antecedents of the appellants. Suffice it to say, however, that such antecedents by themselves cannot constitute a ground for denial of bail. In this context, a useful reference may be made to the decision of a coordinate Bench of this Court in **Ayub Khan v. State of Rajasthan** of which one of us (Augustine George Masih, J.) was a member. The relevant paragraph therefrom is extracted below:*

10. The presence of the antecedents of the accused is only one of the several considerations for deciding the prayer for bail made by him. In a given case, if the accused makes out a strong prima facie case, depending upon the fact situation and period of incarceration, the presence of antecedents may not be a ground to deny bail. There may be a case where a Court can grant bail only on the grounds of long incarceration. The presence of antecedents may not be relevant in such a case. In a given case, the Court may grant default bail. Again, the antecedents of the accused are irrelevant in such a case. Thus, depending upon the peculiar facts, the Court can grant bail notwithstanding the existence of the antecedents.”

7. So far as the present case is concerned, the same pertains to cancellation of bail. Considering that the parameters



for cancellation of bail stand on a completely different footing from those for grant of bail, this Court is of the view that the order granting bail to opposite party no. 2 warrants no interference. Accordingly, the present application is rejected.

8. However, in case the petitioner, at any point of time, seeks cancellation of bail on the basis of supervening circumstances such as threatening, etc., he would always have the liberty to move an appropriate application before the same Court which had granted bail to opposite party no. 2.

(Soni Shrivastava, J)

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