

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50455 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- HARNAUT District- Nalanda

=====

Amrita Kumari, W/o Mahesh Kumar @ Mukesh Kumar, resident of Village- Nazir Nagar, PS- Harnaut, District- Nalanda. At present Daughter of Om Prakash Prasad, resident of Village- Bhandara Pokhar, PS- Ekangarsarai, Distt.- Nalanda

... .. Petitioner

Versus

1. The State of Bihar
2. Mahesh Kumar @ Mukesh Kumar S/o Lalan Prasad Vill.- Nazir Nagar, PS- Harnaut, Distt.- Nalanda.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Anil Kumar No. I, Advocate
For the State	:	Mr. Jharkhandi Updhayay, APP
For Opp. Party No.2	:	None

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT
Date : 16-07-2026

Heard the learned counsel for the petitioner and learned APP for the State.

2. None appears on behalf of the opposite party no.2 despite valid service of notice. Yesterday also, none had appeared on behalf of the opposite party no.2. It has been informed by the learned counsel for the petitioner that he has informed the learned counsel for the opposite party no.2 about listing of the matter today. In these circumstances, this Court has no other option but to proceed with the matter.

3. This application has been filed for



cancellation of anticipatory bail granted to the opposite party no.2 by the Principal Sessions Judge, Nalanda at Bihar Sharif, *vide* order dated 23.06.2025 passed in A.B.P. No.1162 of 2025 in connection with Harnaut P.S. Case No. 142 of 2024 registered for the offence under Sections 341, 342, 323, 498-A, 506/34 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

4. According to the prosecution case, the informant/petitioner was married to opposite party no.2 in accordance with Hindu rites and rituals. It is alleged that, subsequent to the marriage, the husband and other members of the matrimonial family started demanding a sum of Rs. 5,00,000/- and one motorcycle from the father of the informant by way of dowry. It is further alleged that, on account of non-fulfillment of the said demand, the accused persons subjected the informant to physical assault and mental cruelty from time to time.

5. The prosecution further alleges that on 17.03.2024, the accused persons assaulted the informant with an intention to kill her. It is also alleged that, upon being informed of the said occurrence, the father of the informant immediately came to her matrimonial home and took her back to his



residence.

6. The contention of learned counsel for the petitioner is that the prayer of the opposite party no.2 for grant of anticipatory bail had earlier been rejected by the learned District & Additional Sessions Judge, *vide* order dated 23.05.2025 passed in A.B.P. No.799 of 2025. It is submitted that, subsequent to such rejection, the opposite party No. 2 again approached the Principal Sessions Judge, Nalanda at Biharsharif, by filing A.B.P. No.1162 of 2025, who *vide* the impugned order dated 23.06.2025, granted anticipatory bail to the opposite party no.2 without taking into consideration the fact that an earlier application for anticipatory bail on the same cause had already been rejected by a competent court.

7. It is the contention of learned counsel for the petitioner that on perusal of the bail petition filed on behalf of the opposite party no.2 in the Court below, it appears that no fresh ground has been mentioned for grant of second anticipatory bail and the learned Principal Judge has also not discussed anything about the maintainability of second anticipatory bail. Further, *vide* the impugned order, no discussion on material and substantial change in circumstance has been mentioned before admitting the opposite party no.2 to



the privilege of anticipatory bail. Therefore, it is contended that the grant of anticipatory bail in the aforesaid circumstances is contrary to the settled principles of law laid down by the Hon'ble Supreme Court in the case of ***G.R. Ananda Babu vs. State of Tamil Nadu & Anr.*** reported as ***(2021) 16 SCC 725***.

8. It has further been submitted by the learned counsel for the petitioner that even otherwise the opposite party no.2 has contravened the conditions of the bail granted to him, by which he was directed to make attempts for an amicable settlement of the dispute with the informant and to co-operate in the trial, however, the opposite party no.2 and has not taken any steps to settle the dispute with the informant and is also not co-operating in the trial.

9. I have considered the submissions of the parties and perused the materials on record including the impugned order granting anticipatory bail to the opposite party no.2. From the records, it appears that the anticipatory bail of the opposite party no.2 had already been rejected on an earlier occasion by the District and Additional Sessions Judge- III, Nalanda, *vide* order dated 23.05.2025 and thereafter, the opposite party no.2 again moved a second anticipatory bail petition *vide* A.B.P. No.1162 of 2025 without disclosing any



fresh ground for grant of anticipatory bail and consequently, the impugned order has been passed by the Principal Sessions Judge without considering the fact that it was the successive anticipatory bail application of the opposite party no.2 without any substantial change in the case.

10. The Hon'ble Supreme Court in the case of ***G.R. Ananda Babu (supra)*** has held that successive anticipatory bail applications ought not to be entertained. The specious reason of change in circumstance cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order.

11. It is a well-settled proposition of law that the filing of a successive application for anticipatory bail is not, *per se*, barred. However, the consideration of such a subsequent application is predicated upon the applicant demonstrating the existence of a substantial, material, and genuine change in the factual or legal circumstances subsequent to the rejection or disposal of the earlier application. It is equally well established that a mere superficial, cosmetic, or illusory plea of changed circumstances, unsupported by any substantive material, would not constitute sufficient justification for entertaining or allowing a second application for pre-arrest bail. Furthermore, where the



subsequent application merely reiterates the grounds urged in the earlier application, without disclosing any fresh or significant development, the Court would be fully justified in rejecting the same. The Hon'ble Supreme Court has consistently held that successive anticipatory bail applications are maintainable only upon the demonstration of a material change in circumstances and cannot be employed as a device to seek a review of an earlier order by re-agitating identical grounds. Reference can be made upon the decisions of the Hon'ble Supreme Court rendered in the cases of ***G.R. Ananda Babu (supra)***; ***Rani Dudeja v. State of Haryana***, reported as ***(2017) 13 SCC 555***.

12. Considering the fact that no material change has been discussed in the subsequent anticipatory bail application moved by the opposite party no.2 and is, therefore, in teeth of the law laid down by the Hon'ble Supreme Court in the aforesaid decisions. Accordingly, the impugned order suffers from perversity and cannot be sustained.

13. In view of the above, the impugned order dated 23.06.2025 passed by the Principal Sessions Judge, Nalanda at Biharsharif in A.B.P. No.1162 of 2025 in connection with Harnaut P.S. Case No. 142 of 2024 is hereby quashed. The



bail granted to the opposite party no.2 *vide* the impugned order dated 23.06.2025 is hereby cancelled and the bail bonds furnished by him also stand cancelled.

14. This application is allowed.

15. It is made clear that the observations made hereinabove are confined to the consideration of the present application and shall not be construed as an expression of any opinion on the merits of the case, which shall be decided by the learned Trial Court uninfluenced by the same.

(Sandeep Kumar, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	20.07.2026
Transmission Date	20.07.2026.

