

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66069 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- NADI P.S. District- Patna

Usha Devi Wife of Sri Satendra Kumar Resident of Village- Garohchak, P.S.-
Nadi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Rai Baleshwar Rai Resident of village- Garohchak, P.S.- Nadi,
District- Patna
3. Jaikky Kumar Sanjay Rai Resident of village- Garohchak, P.S.- Nadi,
District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Jharkhandi Upadhyaya, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioner, learned
counsel for the Opposite Parties and learned counsel for the
State.

2. The present application has been filed seeking
cancellation of the regular bail granted to Opposite Party Nos. 2
and 3 vide order dated 19.05.2025 passed by Mr. Amit Raj, the
then Additional Sessions Judge-I, Patna City, in B.P. No. 449 of
2025 arising out of Nadi P.S. Case No. 61 of 2025, registered
under Sections 126(2), 115(2), 109, 74, 352, 351(2), 351(3), and
3(5) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioner submits that B.P.



No. 449 of 2025 was fixed for further hearing on 22.05.2025; however, the impugned bail order was passed on 19.05.2025, i.e., prior to the date fixed for hearing.

4. Having considered the submissions and the materials available on record, this Court finds that the impugned order was passed before the date fixed for hearing of the bail application. Such a course adopted by the court below is wholly irregular and does not inspire the confidence of this Court.

5. Accordingly, the present application is allowed. The order dated 19.05.2025 granting regular bail to Opposite Party Nos. 2 and 3, passed by Mr. Amit Raj, the then Additional Sessions Judge-I, Patna City, is hereby set aside and the bail granted to Opposite Party Nos. 2 and 3 stands cancelled. It is clarified that the cancellation of bail is on account of the procedure adopted by the Additional Sessions Judge-I, Patna City, in passing the impugned order before the date fixed for hearing, and not on the merits of the bail application.

6. Opposite Party Nos. 2 and 3 are directed to surrender before the court concerned within two weeks from today. In the event of their failure to surrender within the aforesaid period, the court concerned shall take appropriate steps to secure their custody in accordance with law. If, upon



surrender, Opposite Party Nos. 2 and 3 pray for regular bail, the same shall be placed before and considered by a competent Additional District and Sessions Judge other than Mr. Amit Raj, the then Additional Sessions Judge-I, Patna City.

7. Any such bail application shall be disposed of expeditiously, preferably within fifteen days from the date of its filing, on its own merits and in accordance with law, without being prejudiced in any manner by the cancellation of the earlier bail by this Court.

(Sandeep Kumar, J)

tusharika/-

U		T	
---	--	---	--

