

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78053 of 2024

Arising Out of PS. Case No.-349 Year-2019 Thana- MANJHI District- Saran

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1. Sunil Tiwari @ Sunil Tiwary Son of Kunj Bihari Tiwari R/O-Village-Bahuara, P.O.- Lalganj, Police Station- Dokti, District -Balua (Uttar Pradesh)
 2. Chhotu Tiwary @ Akhilesh Tiwary Son of Kunj Bihari Tiwari R/O-Village-Bahuara, P.O.- Lalganj, Police Station- Dokti, District -Balua (Uttar Pradesh)
 3. Prem Shankar Tiwary Son of Tej Narayan Tiwary R/O-Village- Laxman Chhapra, P.O.- Karan Chhapra, Police Station- Dokti, District -Balua (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Yadav Wife of Binod Yadav Resident of Village- Chand Diyar Chowki, P.S.- Chand Diyar Chowki, District- Balua (Uttar Pradesh)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narayan Mishra, Advocate Mr. Brij Kishor Mishra, Advocate Mr. Avinash Raj, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 10-02-2026 Heard the learned counsel for the petitioner and the learned APP for the State.

2. Nobody appears on behalf of the O.P. No. 2 despite the appearance through *vakalatnama*.

3. The present application has been filed for quashing the order dated 23.07.2024 passed by Additional Sessions Judge-5th , Saran at Chapra in Criminal Miscellaneous No. 214 of 2022, whereby the learned trial court has cancelled the anticipatory bail granted to the petitioners vide order dated



14.01.2020 passed in Anticipatory Bail Petition No. 3499 of 2019 arising out of Manjhi P.S. Case No. 349 of 2019 registered for the offences under Sections 341, 342, 323, 307, 363 and 364 of the I.P.C.

4. The learned counsel for the petitioner submits that the petitioners are aggrieved by the order dated 23.07.2024, whereby the anticipatory bail granted to the petitioners have been cancelled by the said order. He further submits that the petitioners were granted anticipatory bail by a well-reasoned order on 14.01.2020 and it is also not the case of the prosecution that the petitioner has misused the privilege of bail thereafter. It has next been submitted that an application was filed before the learned trial court alleging therein that certain aspects were overlooked by the court while granting bail to the petitioners which were serious in nature and therefore, their bail bonds should be cancelled and it was on such application that the bail bonds of the petitioners were cancelled without application of judicious mind, especially ignoring the fact that the petitioners had not misused the conditions imposed upon them while granting bail. He lastly submits that it is a settled law that the cancellation of bail can be done only when the conditions imposed upon the petitioners are not followed or the petitioners



misuse the liberty of bail granted to them.

5. Learned APP appearing on behalf of the State opposes the said application and has submitted that there is no illegality in the order dated 23.07.2024.

6. Having heard the learned counsel for the parties and upon perusal of the record, it is evident that the learned trial court has taken into account the fact that the allegations against the petitioners were serious and the apprehension of the informant that they would be done to death is genuine and therefore, has gone on to cancel the bail bonds of the petitioners. It is apparent that the said order does not contain any *post facto* incident after the petitioners were granted bail. In view of the above, the order dated 23.07.2024 passed by Additional Sessions Judge-5th , Saran at Chapra in Criminal Miscellaneous No. 214 of 2022 is quashed.

7. The present application stands allowed.

(Sourendra Pandey, J)

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