

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81906 of 2025

Arising Out of PS. Case No.-238 Year-2024 Thana- DAUDNAGAR District- Aurangabad

Ram Lakhan Yadav Son of Vishwanath Yadav R/O Vill.- Budhan Bigha, P.O.-
Tarar, P.S.- Daudnagar, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rambilash Yadav Son of Late Ram Sakal Yadav R/O Vill.- Budhan Bigha,
P.O.- Tarar, P.S.- Daudnagar, Dist.- Aurangabad (Bihar).
3. Parikha Kumar @ Parikha Yadav Son of Late Ram Sakal Yadav R/O Vill.-
Budhan Bigha, P.O.- Tarar, P.S.- Daudnagar, District - Aurangabad (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunny Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 16-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This Cr. Misc. petition has been filed to cancel the
bail of the O.P. Nos. 2 & 3 which was granted by this Court *vide*
order dated 25.09.2024 in Cr. Misc. No. 56901 of 2024.

3. Learned counsel for the petitioner submits that O.P.
Nos. 2 & 3 have violated the conditions of anticipatory bail
wherein they have undertaken to cooperate in the investigation
and further not to indulge in criminal acts or misuse the liberty
granted to them. Learned counsel further submits that O.P. Nos.
2 & 3 were indulged in criminal acts of similar nature after grant



of bail. It reflects lack of *bona fide* and renders the accused undeserving of the discretionary relief. Learned counsel, therefore, prayed that the bail granted earlier be cancelled and the opposite parties be taken into custody.

4. Learned A.P.P. for the State opposed and submitted that this Court, by considering all facts and circumstances, including that O.P. Nos. 2 & 3 are *gotiya* of informant and partition suit is pending between the parties due to land dispute between them, passed the bail order on merit. It is submitted that mere lodging the subsequent F.I.R. during the pendency of the case did not constitute a valid ground for cancellation of bail. Therefore, no case is made out by the petitioner to cancel the bail of the O.P. Nos. 2 & 3.

5. Law is well-settled that very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail, already granted. Cancellation of bail necessarily involves the review of a decision already made and can by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during trial.

6. In the present case, no valid ground for cancellation of bail is made out, particularly when the bail was granted after



due diligence and consideration of the facts and circumstances of the case. O.P. Nos. 2 & 3 have not tampered with any evidence and they are not absconding. There are no cogent and overwhelming facts and circumstances, except one FIR lodged by the son of informant/petitioner against them subsequently, to cancel their bail.

7. Considering the facts and circumstances of the case and submissions made by learned counsel for the parties, no case is made out for cancellation of bail of O.P. Nos. 2 & 3 at this stage. Accordingly, the present Cr. Misc. petition stands dismissed.

(Sunil Dutta Mishra, J)

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