

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88135 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- AIRPORT District- Patna

Priyanka Kumari W/o Late Rakesh Kumar R/o vill - Sarwara, ward no. 1, P.S. - Bajpatti, Distt.- Sitamarhi, at present tenant in the house of Awadesh Giri, S/o Ramdeo Giri, R/o Kautilya Nagar, Choudhary Tola, in front of Pillar no. 52, P.S. - Hawai Adda, Town and Distt. Patna. Petitioner/s

Versus

1. Shanti Devi W/o Late Nanhak Choudhary R/o Mushahari Jagdeo Path, P.S. - Hawai Adda, Distt.- Patna
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jnan Chandra Bhardwaj, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-01-2026 Learned counsel for the petitioner and learned APP
for the State.

2. The present application for cancellation of bail has been filed on behalf of the petitioner against the order dated 11.07.2024 passed by the learned Additional Sessions Judge-1st, Patna in Hawai Adda P.S. Case No. 87 of 2024, whereby regular bail has been granted to the opposite party no.1.

3. The learned counsel for the petitioner has prayed for cancellation of bail granted to the opposite party no.1, Shanti Devi alleging that the said order has not considered the facts and circumstances of the case and by overlooking the materials collected during the course of investigation as also the *postmortem* report, the present order has been passed granting



regular bail to the opposite party no.1

4. The short facts of the case is that the informant (petitioner herein) had received an information on mobile phone by the police that her husband had been shot at, whereafter he was admitted to Paras Hospital and the informant (petitioner herein) also arrived at the hospital to find her husband undergoing treatment. At around 1:30 a.m. in the night, she was informed by the Doctor that her husband has succumbed to the injuries received, whereafter she came back home. It has been alleged that in the next morning the police officials of the Hawaii Adda P.S. had shown her the CCTV footage wherein she identified one Anant Kumar, who was in a situation of altercation with her husband and had also called 4 to 5 of his friends as also his mother-in-law, Shanti Devi (O.P. No.1 herein) and all indulged in altercation. It has further been stated that she saw in the CCTV footage that on the order of Anant Kumar, his friend fired shot at her husband due to which he fell down and subsequently, was brought to Paras Hospital by the Police, where he died during the course of treatment.

5. Having gone through the First Information Report and the order granting bail to the opposite party no.1, it appears that the opposite party no.1 has only been mentioned in



the First Information Report, which was lodged upon witnessing the CCTV footage, as one of the persons, who was also present at the place of occurrence. There is direct allegation, however, in the First Information Report that there was a scuffle with Anant Kumar and it was at his order that his friends have resorted to firing. It has been considered in the order granting bail that she has been implicated on account of the fact that she happens to be the mother-in-law of the co-accused Anant Kumar @ Anant Chaudhary who stays in the same locality. The submission with regard to opposite party no.1 being a 65 years old lady with heart ailments as well as being diabetic has also been noted. The submission has also been noticed that there are no chances of the opposite party no.1 absconding or tampering with the witness and that she is in custody since 14.09.2024. So far as the materials collected during the course of investigation is concerned, the same has also been considered by the learned Court concerned as paragraph-24 of the case diary has been referred from which it appears that the informant was shown the CCTV footage once again where she did not take the name of the opposite party no.1. In any view of the matter, this fact has also been considered that the F.I.R. has been lodged on the basis of the CCTV footage according to which the allegation is



confined to an unknown person resorting to firing at the behest of co-accused Anant Kumar. The reference has also been made to paragraph nos. 11, 12, 13 and 25 of the case diary indicating that the witnesses examined in these paragraphs have also not taken the name of the opposite party no.1, however, the learned counsel appearing on behalf of the petitioner has submitted that although the name of the opposite party no.1 has not been taken but witnesses have stated that they identified the lady to be residing in the same locality. Therefore, considering the old and advanced age of the opposite party no.1, coupled with the fact that she remained in custody since 14.09.2024, the learned Court was pleased to grant regular bail to the opposite party no.1.

6. The law with regard to cancellation of bail is settled and there can be no dispute on the fact that the parameters for grant of bail and cancellation of the same are totally different and until and unless this Court finds any glaring perversity in the order granting bail to the opposite party no.1 or any other cogent and overwhelming circumstances, it would not be desirable for this Court to interfere with the said order by cancelling the same.

7. Taking into consideration all the above-



mentioned facts and circumstances of the case and also considering the law laid down with respect to cancellation of bail, this Court finds no good reason to entertain the present application for cancellation of bail of the opposite party no.1 as such, the present application is dismissed.

(Soni Shrivastava, J)

anand/-

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

