

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86961 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- NARDIGANJ District- Nawada

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Mahendra Singh S/O Visheshwar Singh Resident of village - Kahuara,
Nawada, Kahuara, Bihar-80519

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhay Singh @ Abhay Kumar S/O Surendra Singh Resident of village -
Kahuara, P.S- Nardiganj, DIst.- Nawada
3. Archana Kumari W/O Abhay Singh @ Abhay Kumar Resident of village -
Kahuara, P.S- Nardiganj, DIst.- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Adv. Mr. Sidhendra Narayan Singh, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 17-04-2026 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. The present application is for cancellation of anticipatory bail granted to the opposite party nos. 2 and 3 vide order dated 26.09.2025 (Annexure-P/4) by submitting that the injuries suffered by Amit Kumar, being four in number, were all grievous in nature but the respondents by giving wrong impression before the Court that some of the injuries were simple and only some grievous, have obtained the order of anticipatory bail. In order to buttress his



submission he has annexed the injury report as Annexure-P/2 which includes the injury reports of the Primary Health Centre, the Sadar Hospital, Nawada and also the injury certificate issued by the AIIMS, Patna. It has been submitted that by looking at the injury certificate issued by the AIIMS, Patna it would appear that four injuries suffered by injured Amit Kumar are all grievous in nature, and since this document was not placed before the Court, the privilege of anticipatory bail was granted to the opposite party nos. 2 and 3, which amounts to suppression of fact.

3. Learned APP for the State is also present.

4. This Court has gone through the present application filed on behalf of the petitioner/informant and upon going through the earlier order of this Court, I find that the opposite party nos. 2 and 3 had been granted the privilege of anticipatory bail on various grounds one of them being consideration of the injury report also. It was also considered that both the sides were *gotias* having dispute with regard to partition and petitioner no. 2, who is opposite party no. 3 herein, was a lady and the wife of petitioner no. 1 (opposite party no. 2 herein), who has been attributed ornamental allegations of indulging in assault by means of fists etc.



5. So far as opposite party no. 2 is concerned, the injury report of Amit Kumar issued by the Primary Health Centre was placed as Annexure-P/2 series in the earlier application which indicated three injuries, the first being a lacerated wound on the left cheek, the second being lacerated wound on left side of nose and the third being a swelling on the nose, all caused by hard and blunt substance. The nature of injuries was also indicated as injury nos. 1 and 2 being simple in nature and it was only injury no. 3 which was awaiting x-ray from Sadar Hospital for the opinion. In the order granting anticipatory bail it was well taken into consideration that the third injury which was awaiting x-ray was on the nose of the said Amit Kumar and the specific allegation of assault on the nose of the said Amit Kumar was attributed to co-accused Uday Singh and not to opposite party nos. 2 and 3. In the present application for cancellation also the injury report of the Primary Health Centre indicates grievous injury on the nasal bones and the injury report issued by the Sadar Hospital, Nawada is also on record which also indicates fracture on the nasal bones and these injuries were not attributed to opposite party nos. 2 and 3.

6. The petitioner is basically relying upon the injury



report issued by the AIIMS, Patna for which an application was given by the Investigating Officer on 18.03.2025. This document also indicates that the two grievous injuries which have been indicated are stitched wounds and they are also on the nose portion of the injured Amit Kumar. None of the injuries, which have been found to be grievous, indicate an injury on the head of the said Amit Kumar, which can be specifically attributed to opposite party nos. 2 and 3.

7. Taking all the facts and circumstances into consideration, this Court reaches the considered conclusion that the injury certificate of the AIIMS may not have been available with the opposite parties at the time of the filing of the bail application and this does not indicate any deliberate suppression or concealment of fact. In any view of the matter, the said injury report also does not indicate any grievous injury on the head of the said Amit kumar, the author of which would be opposite party nos. 2 and 3.

8. The law is settled with regard to cancellation of bail that there is a vivid distinction between parameters while considering grant of bail vis-a-vis while deciding its cancellation and very cogent and overwhelming circumstances are necessary to interfere with the discretion



exercised while granting bail.

9. In view of the settled law, this Court does not find any good ground to cancel the bail already granted to opposite party nos. 2 and 3 finding it not to be a case of any suppression of fact. However, in case any ground of tampering or influencing the evidence or witness supported by clinching evidence, is taken at a subsequent stage, the petitioner would always have the liberty to move the appropriate forum for ventilating such grievance.

10. Accordingly, the present application is dismissed.

(Soni Shrivastava, J)

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