

In The Court of Sessions Judge, Buxar

Criminal Miscellaneous No. 40/2025

(Arising out of A.B.P. No. 326/2025 in connection with Brahampur
P.S. Case No. 262/2022 granted by this Court vide its order dated 08.04.2025)

**Present: Kajal Jhamb,
Sessions Judge, Buxar**

Vigan Singh, aged about 40 years, S/o Late Jagdish Singh
R/o Village- Sahiyar, Police Station- Simri, District- Buxar

..... Petitioner

versus

1. State of Bihar
2. Rambihari Singh, aged about 59 years, S/o Late Jagdish Singh,
3. Upendra Kumar, aged about 25 years,
4. Jitendra Kumar, aged about 35 years,
5. Satyendra Kumar Singh, aged about 27 years, all three sons of Rambihari Singh
R/o Village- Sahiyar, Police Station- Simri, District- Buxar

..... Opposite Parties

Learned Counsel for Petitioner : Sri Ashok Kumar Singh, Ld. Adv.

Learned. A.P.P. for the State (O.P. No. 1) : Sri Aditya Kumar Verma

Learned Counsel for O.P. No. 2 to 5 : Sri Rahul Anand, Ld. Adv.

Date of Order: 16th April, 2026

Order

The present is judicial verdict on Criminal Miscellaneous petition no. 40/2025, dated 22.05.2025 filed u/s.-483(3) of B.N.S.S. for cancellation of bail granted by this Court vide its order dated-08.04.2025 passed in A.B.P. No. 326/2025. The case relates to Brahampur P.S. Case No. 262/2022, filed u/s 341, 323, 420, 406, 504, 506/34 of I.P.C and pending in the Court of learned J.M.F.C. Court No. 02, Buxar.

The brief background of the case is that Brahampur P.S. Case No. 262/2022 got registered at the instance of one Vigan Singh (petitioner) against Manish Kumar Singh, Reema Devi, Saloni Kumari and O.P. No. 2 to 5 for having committed an offence under section u/s 341, 323, 420, 406, 504, 506/34 of I.P.C Apprehending their arrest in the case, O.P. No. 2 to 5 filed Anticipatory Bail Petition No. 326 of 2025 before this Court which was allowed, vide its order dated 08.04.2025, subject to the conditions

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mentioned in Section-438(2) of Cr.PC. with further condition that they will not delay the disposal of the trial in any manner what so ever and will remain physically present at the stage of framing of charge and recording of statement under Section 351 B.N.S.

The informant of Brahampur P.S. Case No. 262/2022 Vigan Singh (petitioner) has filed the instant case praying cancellation of bail granted to the accused (O.P. No.2 to 5) and revocation of order dated-08.04.2025 passed by this Court in A.B.P. No. 326/2025.

The Counsel on behalf of petitioner Vigan Singh submits that petitioner is informant of Brahampur P.S. Case No. 262/2022. The O.P. No. 2 to 5 had mentioned in para 2 of their anticipatory bail petition that no other bail petition had ever been filed on behalf of petitioner in this matter either before this Court or any Superior Court where as the truth is that earlier they had filed A.B.P. No. 653/2022 before this Court which was dismissed as withdrawn. This shows that they concealed the fact and got the bail fraudulently. As such this Court should cancel the bail availed by the O.Ps and also initiate criminal proceeding against them for playing fraud on this Court by concealing important facts. On these grounds, the petitioner has prayed for revocation of order dated-08.04.2025 passed by the this Court in A.B.P. No. 326/2025.

The Counsel for O.P. No. 2 to 5 opposed the instant Misc. application stating that the petitioners did not conceal any fact. The A.B.P. No. 653/2022 which was earlier filed by the petitioners was withdrawn by the petitioners themselves and no order was passed by this Court on the merit of the case. The non mentioning of this fact in the bail petition, was not intentional. Mentioning of it in the bail petition would not have affected the merits of the case. The petitioners are already abiding by the conditions imposed by this Court in A.B.P. No. 326/2025.

Heard the counsels of both the parties and perused the entire case record. The issue before the court in the case is whether the bail granted to the O.P. No. 2 to 5 vide order dated-08.04.2025 passed by the this Court in A.B.P. No. 326/2025 be cancelled? The law regarding cancellation of bail has been settled by the Hon'ble Supreme Court in catena of its judgements.

In the case of **Delhi Administration Vs. Sanjay Gandhi, 1978 (2) SCC 411, the Hon'ble Court** in para 13 of its decision the Hon'ble Court held that "Rejection of bail when bail is applied for is one thing; cancellation of bail already granted is quite another. It is easier to reject a bail application in a non-bailable case than to cancel a bail granted in such a case. 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 the trial.

In the case of **Deepak Yadav v State of UP (2022) 8 SCC 559, Hon'ble**

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Supreme Court again observed that

"31.....bail once granted, should not be cancelled in mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during trial. Having said that, in case of cancellation of bail, very cogent and overwhelming circumstances are necessary for an order directing cancellation of bail"

Having considered the observations of the Hon'ble Supreme Court in the above mentioned cases, this Court is of the view that spirit behind the interpretation by the Hon'ble Supreme Court is that the invaluable right to life and personal liberty of a person may not get compromised on trivial matters. So unless, there is threat to fair trial of the case, the bail once granted should not normally be cancelled. In the instant case, the petitioner has not been able to prove any such circumstance which can make the Court to believe that it would not be conducive for fair trial of the case to allow the O.P. No.2 to 5 to retain their freedom by enjoying the concession of bail already granted to them. Further, there is no material on record for the Court to presume that there was a deliberate concealment of the fact. As it was not a decision on the merit of the case, even mentioning of it would not have affected the order of this Court dated 08.04.2025, passed in A.B.P. No. 326/2025.

In the light of the above discussion, the present Misc. Petition filed by the petitioner **Vigan Singh** is therefore hereby **dismissed**.

The office is directed to send a copy of this order along with L.C.R to the court concerned and consign the record of the case to the record room.

Dictated

Sd/- Kajal Jhamb

(Kajal Jhamb)

Sessions Judge, Buxar

16.04.2026

Date of reserving order	08.04.2026
Date of Order	16.04.2026
Date of uploading	20.04.2026
Uploaded by	Roshan Kumar, Stenographer