

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M.P. No. 898 of 2025

Victim Petitioner
Versus
1. The State of Jharkhand
2. Nitesh Kumar Munda, S/o Girja Nandan Singh Munda, R/o Village-
Birgamdih, P.O. & P.S.-Sonahatu, District-Ranchi
... Opp. Parties

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Akhilesh Prasad, Advocate
Mr. Rakhi Rani, Advocate
Mr. Sanjay Kumar Singh, Advocate
Mr. Vishunpad Sing, Advocate
For the State : Mr. Vineet Kumar Vashistha, Advocate
For the O.P. No. 2 : Mr. S.B. Gupta, Advocate
Mr. Manish Kumar Choudhary, Advocate

Order No. 04 / Dated : 30.01.2026.

1. The petitioner is the victim and the instant cr. misc. petition has been filed for cancellation of bail granted by the Co-ordinate Bench of this Court to opposite party no. 2 in B.A. No. 7412 of 2024 in connection with (Mahila) Bundu P.S. Case No. 08 of 2024 registered under Sections 376 (2)(n), 377, 313, 341, 323, 504, 506 and 509/34 of IPC.
2. Police case was registered on the basis of a complaint petition dated 14.05.2024 forwarded under Section 156(3) of Cr.P.C.
3. As per the case of the complainant, she was aged 23 years at the time of incident. Opposite party no. 2/accused, committed rape with her on 28.12.2019 and then on false promise of marriage continued to cohabit with her, as a result, she became pregnant which was terminated at the instance of opposite party no. 2.
4. It is submitted by learned counsel for the petitioner that the bail was obtained on false and misleading submission made on behalf of opposite party no. 2, that he was in live-in relationship for five years which is reflected in the order, earlier passed. Learned Co-ordinate Bench considering the submission that opposite party no. 2 was in prolonged live-in relationship with the victim, allowed the bail to opposite party no. 2.

5. Learned counsel for opposite party no. 2 has submitted that no such a statement was made on behalf of the accused at the time of hearing of the bail application. There was delay of five years in filing the complaint which is the basis of the police case.
6. Having considered the submissions advanced on behalf of both sides, it is apparent that the petitioner is aggrieved on two counts: Firstly, there was a misrepresentation in getting the order of bail by stating that there was live-in relationship and secondly, the said finding given by the Co-ordinate Bench may prejudice the trial.
7. At the outset, it may be stated that this Court cannot sit in appeal on the merit of the order passed by the Co-ordinate Bench of this Court by which opposite party no. 2 was enlarged on bail. The principle of cancellation of bail stands on a different footing and supervening circumstances can only be considered for cancelling the bail already granted. Otherwise also in the facts and circumstances of the case, grant of bail is fully justified.
8. So far as the apprehension regarding impact of its observation on the trial is concerned, it is clarified that the interim order of bail has no bearing on the final judgment that is to be pronounced on the basis of evidence on record and not on the materials collected during investigation, considering which an order in bail application is passed.
9. There is nothing on record to suggest that any misrepresentation of fact was made on behalf of the petitioner in the bail application. Bail was granted considering overall facts and circumstance of the case including the delay in lodging the complaint by almost five years.
10. I do not find any merit in the instant cr. misc. petition.

Cr. misc. petition is, accordingly dismissed.

Pending I.A., if any, stands disposed of.

(Gautam Kumar Choudhary, J.)