

IN THE HIGH COURT OF JHARKHAND, RANCHI

Cr.M.P. No. 788 of 2017

Madhubala Jha, wife of Ajay Kumar Jha, resident of Village Lakhpura, PO and PS Panjwara, District Banka, Bihar at present residing at Village Dande, PO and PS Poraiyahat, District Godda, Jharkhand

.... Petitioner

-- Versus --

1.The State of Jharkhand

2.Ajay Kumar Jha, son of Vijay Kant Jha, resident of Village Lakhpura, PO and PS Panjwara, District Banka, Bihar at present residing at VIP Chowk, in the house of Deepak Kumar Brijmohan Singh Road, PO, PS and District Deoghar, Jharkhand

.... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner

:- Mr. Lalit Yadav, Advocate

For the State

:- Mr. Subodh Kr Dubey, Advocate

2/10.04.2026 Heard learned counsels for petitioner and for the State as well as the O.P.No.2.

2. This petition has been filed for cancellation of the anticipatory bail granted to the O.P.No.2 vide order dated 01.07.2014 passed in ABA No.5186 of 2013, GR No.912 of 2013.

3. Learned counsel for the petitioner submits that the petitioner happened to be wife of Ajay Kumar Jha, who is accused in aforesaid PS case. He next submits that the anticipatory bail was granted considering that the husband will keep the wife with all dignity. He further submits that, however, the said Ajay Kumar Jha

who happened to be husband of the petitioner is not looking after the wife who is the petitioner and in view of that, anticipatory bail granted to the O.P.No.2 may kindly be cancelled.

4. On repeated call nobody has responded on behalf of the OP No.2 as the Vakalatnama has already been filed by Mr. Ranjit Kumar the learned counsel for the O.P.No.2.

5. Mr. Subodh Kumar Dubey, the learned counsel for the respondent State submits that the trial is already proceeding before the learned court and even the processes under sections 82 /83 of Cr.PC have been issued against the husband.

6. In view of above, it transpires that by the cogent order, the anticipatory bail was granted to the O.P No.2 in ABA No.5186 of 2013 and as submitted by the learned counsel for the respondent State that the trial has already been proceeded and the learned court has already taken the hectic steps for disposal of the said pending criminal case. It is well settled that the bail can be cancelled on the following grounds:

“(i) the accused misuses his liberty by indulging in similar criminal activity,
(ii) interferes with the course of investigation,
(iii) attempts to tamper with evidence or witnesses,
(iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation,
(v) there is likelihood of his fleeing to another country,
(vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency,
(vii) attempts to place himself beyond the reach of his surety,
etc.”

7. The above grounds are illustrative and not exhaustive.

It is required to be kept in mind that the rejection of bail on one footing, but cancellation of bail is a harsh order. It is trite law that cancellation of bail can be done, in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice. If the court granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail.

8. In the case of ***Raghubir Singh Versus State of Bihar***, reported in ***(1986) 4 SCC 481*** wherein, the Hon'ble Supreme Court has held that it is trite law that cancellation of bail can be done in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice.

9. In view of the above, this Court is not inclined to interfere so far as the anticipatory bail granted to the husband of the petitioner is concerned, and accordingly, this petition, being Cr.M.P. No. 788 of 2017 is, hereby, dismissed.

(Sanjay Kumar Dwivedi, J.)

10.04.2026
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