

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.131 of 2026

Petitioner

2. Rohit Kumar Singh, aged about 26 years, son of Raj Mohan Singh,
Resident of Village- Banai, P.O. and P.S.- Panki, District- Palamau
(Jharkhand) ... Opposite Parties

For the Petitioner : Ms. Ganga Kri. Kachhap, Advocate
For the State : Mr. Prabhu Dayal Agrawal, Spl. P.P.
For the O.P. No.2 : Mr. Lukesh Kumar, Advocate

This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of the B.N.S.S., 2023 with the prayer to cancel the anticipatory bail granted to the opposite party No.2 in terms of the order dated 20.01.2025 passed in A.B.A. No.183 of 2025 by this Court.

The brief facts of the case is that the opposite party No.2 was given the privileges of anticipatory bail by this Court vide the said order dated 20.01.2025 passed in A.B.A. No.183 of 2025 upon depositing cash security of Rs.1,00,000/- and on furnishing bail bonds of Rs.25,000/- with two sureties with the condition to co-operate with the investigation of the case and consequent upon that, the opposite party No.2 has furnished the bail bonds and deposited the said the said amount of cash security.

Learned counsel for the petitioner submits that the learned S.D.J.M., Palamau has issued process under Section 82 of Cr.P.C. against the opposite party No.2 vide order dated 21.08.2024 but the same was quashed by this Court vide order dated 05.12.2024 in Cr.M.P. No.3289 of 2024. It is next submitted that on 02.01.2025, in connection with Chainpur P.S. Case No.104 of 2024, the learned S.D.J.M Palamau passed the order for issuance of the process under Section 82 of Cr.P.C. but the same has not been disclosed by the opposite party

No.2 of this case, in the said A.B.A. No.183 of 2025. Hence, it is submitted that the anticipatory bail granted to the opposite party no.2 vide order dated 20.01.2025 passed in A.B.A. No.183 of 2025, be cancelled.

Learned Spl. P. P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioner. Learned counsel for the opposite party No.2 submits that the said A.B.A. No.183 of 2025 was filed in this Court on 19.12.2024 and by that date, no order under Section 82 of Cr.P.C. was passed. The opposite party No.2 was unaware about any order passed under Section 82 of Cr.P.C. having been passed on 02.01.2025; when the matter was taken up for hearing and the anticipatory bail was granted to the opposite party No.2 considering the merits of the matter. Hence, the same cannot amount to suppression of material fact. It is further submitted that no material could be placed by the petitioner to suggest that the opposite party No.2 had the knowledge about the order dated 02.01.2025 passed by the learned S.D.J.M., Palamau in connection with Chainpur P.S. Case No.104 of 2024 nor the petitioner could show that the proclamation of the said process under Section 82 of Cr.P.C. was ever made and if at all the proclamation has been made, then on which date the same was made. Hence, it is submitted that the same will not amount to suppression. It is further submitted that after being granted bail, there is no allegation against the opposite party No.2 of being involved in any act of omission or commission which would make him liable for cancellation of his bail. Therefore, it is submitted that this Cr.M.P., being without any merit, be dismissed.

Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, the undisputed fact remains that the said A.B.A. No.183 of 2025 was filed on 19.12.2024 but by that time there was no order under Section 82 of Cr.P.C. passed by the learned S.D.J.M., Palamau. There is no material in the record to suggest that on 20.01.2025 when the anticipatory bail application of the opposite party No.2 was taken up for hearing and the order granting anticipatory bail was passed, the opposite party No.2 was having knowledge of the said order dated 02.01.2025 passed by the learned S.D.J.M., Palamau issuing the process under Section 82 of Cr.P.C. So, in the considered opinion of this Court this is not a case of suppression of any material fact; more so in the absence of any material

to suggest that the opposite party No.2 was aware about the said order dated 02.01.2025.

Further, there is no allegation of any acts of omission or commission having been committed by the opposite party No.2 which could be a ground for cancellation of bail which has illustratively though not exhaustively been reiterated by this Court in the case of **Jyotshna Sharma @ Jyotsana Anand vs. The State of Jharkhand & Others** passed in Cr.M.P. No.2499 of 2021 which read as under:-

- i) interference or attempt to interfere with the due course of administration of justice or;
- ii) evasion or attempt to evade the due course of justice or;
- iii) abuse of the concession granted to the accused in any manner.
- iv) the satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail.

However, bail once granted should not be cancelled in a 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 the trial.

Under such circumstances, this Court is of the considered view that this is not a fit case where the prayer, as prayed for by the petitioner is to be acceded to by this Court in exercise of its power under Section 528 of the B.N.S.S., 2023. Accordingly, this Cr.M.P., being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)