

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 1542 of 2025

Sahdeo Ram, Aged about 60 years, Son of Late Dev Krishna Ramanuj,
Resident of Village-Behind Divine Mercy Aashrm, Guru Ji Nagar, P.O. &
P.S.-Korra, District-Hazaribagh Petitioner

Versus

1. The State of Jharkhand
2. Rajesh Thakur, Son of Late Ramchandra Thakur, Resident of Village-
Nagwan, P.O.-Hazaribagh, P.S.-Korra, District-Hazaribagh
.... Opp. Parties

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioners : Mr. Manish Kumar, Advocate
For the O.P.-State : Mr. Bhola Nath Ojha, A.P.P.

02/Dated: 11th July, 2025

1. Heard learned counsel for the parties.
2. This criminal miscellaneous petition has been filed under Section 483(3) of B.N.S.S, 2023 by the petitioners with a prayer for cancellation of bail granted to the opposite party No.2 in terms of the order dated 20.03.2024 passed in A.B.A. No.4228 of 2023.
3. Learned counsel for the petitioner has submitted that the opposite party No.2 was extended privilege of anticipatory bail by this Court vide order dated 20.03.2024 passed in A.B.A. No.4228 of 2023 upon the settlement between the parties at Mediation Centre, JHALSA, Ranchi on certain terms and conditions but after granting anticipatory bail to the opposite party No.2, he is not abiding by the settlement arrived at between the parties. Learned counsel for the petitioner has further submitted that the opposite party no.2 has violated the undertaking given by him at JHALSA, Ranchi upon which he was extended privilege of anticipatory bail by this Court in terms of the order dated

order dated 20.03.2024 passed in A.B.A. No.4228 of 2023. Hence, bail granted to the opposite party No.2 may be cancelled.

4. Learned A.P.P appearing for the State on the other hand vehemently opposes the prayer for cancellation of bail of opposite party No.2 and submitted that no reasonable ground for cancellation of bail to the accused-opposite party No.2 has been brought on record by petitioner in the instant petition, except merely bald allegations of violation of certain terms and conditions arrived at between the parties at Mediation Centre. Hence, there is no justifiable reason to cancel the bail extended to the opposite party no.2. Hence, the prayer for cancellation of bail of opposite party No.2 is fit to be dismissed.
5. In the case of *Dolat Ram and Ors. Versus State of Haryana* reported in 1995 (1) SCC 349, the Supreme Court has held,

“very cogent and overwhelming circumstances are necessary for cancellation of bail. Bail once granted should not be cancelled in a mechanical manner.”
6. Keeping this very observation in view, the Apex Court has adumbrated the following situations as supervening factors that may justify the cancellation of bail. The points listed below are only illustrative and not exhaustive in nature.

Grounds for cancellation/ Rejection of Bail

- *Interference or attempt to interfere with the due process of meeting ends of Justice.*
- *Evasion or attempt to evade the court proceeding*
- *Misuse of the concession granted to the accused by not following the terms agreed while on bail.*
- *Possibility of the accused absconding or fleeing to another country.*
- *Likelihood of actual misuse of bail*

- *Likelihood of accused tampering with the evidence, obstructing the investigation or threatening witnesses.*
- *Other supervening circumstances which have rendered it no longer conducive to a fair trial, allow the accused to retain its freedom by being on bail.*

7. Recently in the case of *Rohit Bishnoi Versus The State of Rajasthan and Anr.* reported in (2023) 18 SCC 753, Hon'ble Apex Court has held that:-

"cancellation of bail cannot be limited to the occurrence of supervening circumstances alone and it was observed that while considering the matter dealing with cancellation of bail the court must consider the gravity and nature of the offence. Severity of punishment, the prima facie case against the accused, the position and status of accused, if the allegation leveled against the accused are very serious in nature, his bail may be cancelled even if there is no misuse of bail granted to him."

8. Some of the principles for cancellation of bail are as follows:-

- *Whether the court granting bail overlooks influential position of the accused in comparison to the victim of abuse or the witnesses specially when there is prima facie misuse of position and power over the victim.*
- *Whether the past criminal record and conduct of the accused is completely ignored while granting bail.*
- *Where bail has been granted on untenable grounds.*
- *Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.*
- *Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitle him for bail and thus cannot be justified.*

- *When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.*
- *Whether the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant materials on record.*

9. Considering the factual background of the case and material available on record, it appears that the condition of settlement arrived at between the parties at Mediation Centre, JHALSA, Ranchi has not been incorporated in A.B.A. No.4228 of 2023 as conditions of the anticipatory bail granted to the opposite party No.2. It further appears that petitioner has brought nothing on record as regards the misuse of bail by the opposite party No.2, except the non-compliance of settlement arrived at between the parties at Mediation Centre. Hence, this court is of the considered view that there is no valid ground for cancellation bail granted to opposite party No.2. Accordingly, this petition being devoid of any merits is dismissed.

10. This criminal miscellaneous petition is disposed of accordingly.

(Pradeep Kumar Srivastava, J.)

Pappul-