

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P No.2640 of 2025

Victim

... **Petitioner(s).**

Versus

1.State of Jharkhand

2.Ravi Kumar @ Ravi Kumar Mahto, S/o Devki Mahto, resident of village Honhey, Nauwa Tola near Durga Mandir, PO Honhe, PS Rajrappa, District Ramgarh, Jharkhand

... **Opposite Party(s).****CORAM : SRI ANANDA SEN, J.**

For the Petitioner(s) : Mr. Akash Bhushan, Advocate

For the Opp. Party(s) : Mrs. Vandana Bharti, APP

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02/19.09.2025: This application has been filed for cancellation of anticipatory bail granted to opposite party no. 2 vide order dated 28.07.2025 in ABA No. 3947 of 2025 on the ground that the victim was not heard at the time when bail was granted nor the State was present.

2. The learned counsel for the petitioner submits that the offence is very heinous thus the bail should not have been granted. He relies on paragraph nos. 22, 23, 24 and 26 of the judgment of the Hon'ble Supreme Court in the case of "**Jagjeet Singh and Others vs. Ashish Mishra @ Monu and Another**" reported in (2022) 9 SCC 321 in support of his claim.

3. There is difference between cancellation of a bail and recall of the order of bail granted. This is a case where the petitioner is seeking cancellation of bail. No good ground has been made out to cancel the bail as there is nothing to suggest that the opposite party no. 2 is tampering with the evidence or he will not cooperate in trial.

4. So far as merit of the case is concerned, the fardbeyan clearly suggest that from 2021 to 2025 the parties were in good relationship. Both the parties are major. Their failed relationship has now been converted into criminal case. There is no ground to consider this case for cancellation of bail also.

5. The Hon'ble Supreme Court in the case of "**Vipan Kumar Dhir v. State of Punjab**" reported in (2021) 15 SCC 518 has held as under:

"9. At the outset, it would be fruitful to recapitulate the well-settled legal principle that the cancellation of bail is to be dealt on a different footing in comparison to a proceeding for grant of bail. It is necessary that "cogent and overwhelming reasons" are present for the cancellation of bail. Conventionally, there can be supervening circumstances which may develop post the grant of bail and are non-conducive to fair trial, making it necessary to cancel the bail. This Court in *Dolat Ram v. State of Haryana* [*Dolat Ram v. State of Haryana*, (1995) 1 SCC 349, para 4 : 1995 SCC (Cri) 237] observed that : (SCC pp. 350-51, para 4)

"4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are : interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. 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."

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11. In addition to the caveat illustrated in the cited decision(s), bail can also be revoked where the court has considered irrelevant factors or has ignored relevant material available on record which renders the order granting bail legally untenable. The gravity of the offence, conduct of the accused and societal impact of an undue indulgence by Court when the investigation is at the threshold, are also amongst a few situations, where a Superior Court can interfere in an order of bail to prevent the miscarriage of justice and to bolster the administration of criminal justice system. This Court has repeatedly viewed that while granting bail, especially

anticipatory bail which is per se extraordinary in nature, the possibility of the accused to influence prosecution witnesses, threatening the family members of the deceased, fleeing from justice or creating other impediments in the fair investigation, ought not to be overlooked.”

6. Further the Hon’ble Supreme Court so far as failed relationship is concerned in the case of “**Biswajyoti Chatterjee vs. State of W.B.**” reported in (2025) 5 SCC 749 has held as under:

“21. We find that there is a growing tendency of resorting to initiation of criminal proceedings when relationships turn sour. Every consensual relationship, where a possibility of marriage may exist, cannot be given a colour of a false pretext to marry, in the event of a fall out. It is such lis that amounts to an abuse of process of law, and it is under such circumstances, that we deem fit to terminate the proceedings at the stage of charge itself.”

7. Taking into consideration the judgment of the Hon’ble Supreme Court in “**Vipan Kumar Dhir**” (supra) and “**Biswajyoti Chatterjee**” (supra) and the facts of this case, I am not inclined to entertain this petition. Accordingly, this Cr.M.P. is **dismissed**.

(ANANDA SEN, J.)

Tanuj/