

(2026:JHHC:10513)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3383 of 2025

Kalwa Devi, aged about 47 years, wife of Late Hiranman Yadav,
resident of Village Podaiya, P.O.-Barhi, P.S.-Barhi, District-
Hazaribagh, Jharkhand.

... Petitioner

Versus

1. The State of Jharkhand
2. Gopal Yadav, aged about 68 years son of Dilo Mahto, resident of
village Podaiya, P.O. & P.S.-Barhi, District-Hazaribagh,
Jharkhand.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Manoj Kumar, Advocate
	: Mr. Sahadeo Choudhary, Advocate
	: Ms. Rashmi Mehta, Advocate
For the State	: Mr. Shashi Kr. Verma, Addl.P.P.
For the OP 2	: Mr. Ashok Kr. Singh, Advocate

Order No:-04 Dated:-10-04-2026

Heard the parties.

This Cr.M.P. has been filed invoking the jurisdiction of this Court under Section 483(3) of the B.N.S.S., 2023 for cancellation of bail granted to the opposite party no.2 in terms of the order dated 07.03.2025 passed by this Court in B.A. No.345 of 2025 in connection with Barhi P.S. Case No.444 of 2024 of the Court of learned SDJM, Hazaribagh.

Learned counsel for the petitioner submits that after granting of the bail to the opposite party no.2 along with co-accused person, the opposite party no.2 being member of an unlawful assembly attempted to murder of the family members of the petitioner in respect of which Barhi P.S. Case No.271 of 2025 has been lodged; the occurrence of which took place between 18:00 hours to 18:30 hours on 21.07.2025. It is next submitted that though the opposite party no.2 is the named accused person of the Barhi P.S. Case No.271 of 2025 but he has not been arrested by the police in connection with that case, hence, the bail granted to the opposite party no.2 be cancelled.

Learned Addl.P.P. appearing for the state and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer and submit by drawing attention of the Court to the Page-15 of the counter affidavit, that the petitioner and her family members being member of an unlawful assembly attempted to murder the family members of the opposite party no.2 and that occurrence took place on 09:00 AM of 21.07.2025 and in respect of which the brother of the opposite party no.2 namely Vinod Yadav has lodged Barhi P.S. Case No.270 of 2025 and to save their skin from that case, the petitioner through her family members submitted a written report on a concocted allegation that at 18:00 hours on 21.07.2025, the opposite party no.2 and his family members being member of an unlawful assembly have assaulted them. It is next submitted that the petitioner earlier filed a petition for cancellation of bail of the co-accused Ashok Yadav vide Cr.M.P. No.2724 of 2025 making frivolous and vexatious allegations, but the same was dismissed by the co-ordinate bench vide order dated 04.02.2026 in the said Cr.M.P. and the petitioner is in habit of filing such petitions with false averments, only to harass the opposite party no.2 and his family members, hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

Having heard the submissions made at the bar and after carefully going through the materials available in the record, this Court finds that the undisputed facts remains that though the family members of the petitioner lodged Barhi P.S. Case No.271 of 2025 against the opposite party no.2 and his family members, but police has not arrested the opposite party no.2 in connection with that case. The undisputed facts remain that for an occurrence which took place on the same day but much prior to the occurrence alleged by the family members of the petitioner in connection of which Barhi P.S. Case No.271 of 2025 has been registered. The brother of the opposite party no.2 lodged Barhi P.S. Case No.270 of 2025 for an occurrence which took place at 9:00 hours on that date.

Under such circumstances as the Barhi P.S. Case No.271 of 2025 is at the stage of investigation and police has not yet found it fit to arrest the opposite party no.2 though the opposite party no.2 is undisputedly attending the Court in connection with this case, in which he is on bail,

this Court is of the considered view that this is not a fit case where the bail granted to the opposite party no.2 in terms of the order dated 07.03.2025 passed by this Court in B.A. No.345 of 2025 in connection with Barhi P.S. Case No.444 of 2024 of the Court of learned SDJM, Hazaribagh is to be cancelled.

Accordingly, this Cr.M.P., being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

10/04/2026
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