

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34622 of 2026

Arising Out of PS. Case No.-895 Year-2024 Thana- ALAMGANJ District- Patna

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Asha Kumari W/o- Late Rajiv Ratan Gupta Resident of mohalla-Bajrangpuri,
Near Shiv temple, P.S- Alamganj, Dist- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Sanjeet Kumar @ Sanjeet Yadav S/o- Surju Singh Resident of Tilhar, P.S-
Khusrupur, Dist- Patna. Presently At- Bajrangpuri Patligram apartment,
Gaighat, Bajrangpuri, Shiv mandir, P.S. Alamganj, Dist Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Pawan Kumar, Advocate
		Mr. Raghav Vats, Advocate
For the State	:	Mr. Nityanand, APP
For the Opp. Party No.2	:	Mr. Pramod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
C.A.V. JUDGMENT
Date : 10-07-2026

The present application has been filed by the petitioner-informant under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying for cancellation of the regular bail granted to the opposite party no.2, namely, Sanjeet Kumar @ Sanjeet Yadav, by the District & Additional Sessions Judge-I, Patna City, *vide* order dated 28.03.2026 passed in Sessions Trial No.1309 of 2025, arising out of Alamganj P.S. Case No.895 of 2024 (G.R. No.711 of 2025), registered for the offences punishable under Sections 103(1) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS)



and Section 27 of the Arms Act, to which Sections 25(1-B)(a), 26 and 35 of the Arms Act came to be added in course of the investigation.

2. The prosecution case, as set out in the written report of the petitioner-informant dated 08.10.2024, is that on the said date, at about 5:00 A.M., her husband, namely, Rajiv Ratan Gupta, had gone out for his daily morning walk, was shot dead. It is alleged that the opposite party no.2, whose house adjoins the newly constructed house of the informant, had a land dispute with the deceased and had persistently been pressurizing him to execute/transfer the said house in his name, holding out the threat that upon his failure to do so, his wife would be widowed. It is further alleged that two or three days prior to the occurrence, the opposite party no.2 had called the deceased and caused pressure to be exerted upon him through other criminals, that the opposite party no.2 was aware of the daily routine of the deceased of going out for a morning walk, and that it is in that setting that the deceased was shot dead. The informant alleges that the opposite party no.2, along with others, committed the murder of her husband with the intention of grabbing her newly built house. On the basis of the said written report, Alamganj P.S. Case No.895 of 2024 dated 08.10.2024



came to be registered against the opposite party no.2, who is the solitary named accused therein, and others were unknown criminals.

3. From the records, it appears that, in course of the investigation, as also recorded in paragraph no. 20 of the case diary, the accused Sunny Kumar and Dharmendra Kumar were seen in the CCTV footage of the occurrence, whereupon they were apprehended. The confessional statement of the accused Dharmendra Kumar, which is recorded in paragraph no. 25 of the case diary, disclosed that the co-accused Sunny Kumar fired upon the victim, and the arms was supplied to him by the co-accused Shiv Kumar and Rohit Pandey, further the present opposite party no.2 had given Rs.5,000/- to the co-accused Sunny Kumar as an advance to kill the deceased-Rajeev Ratan Gupta. In paragraph no.29 of the case diary, the co-accused Sunny Kumar is recorded to have admitted that he had met the opposite party no.2 about four months prior to the occurrence and had interacted with him for committing the crime. In paragraph no. 32 of the case diary, the confessional statement of the co-accused Shiv Kumar @ Hira Choudhary is recorded to the effect that the weapon used in the murder of the deceased was given by him to the co-accused Rohit Pandey. A country-



made pistol with a magazine, being the weapon allegedly used in the occurrence, was recovered from the co-accused Rohit Pandey near his house, and a sum of Rs.2,500/- was recovered from the co-accused Sunny Kumar, and mobile phones were seized from the co-accused Dharmendra Kumar, Shiv Kumar and Rohit Pandey, under seizure lists.

4. Upon conclusion of the investigation, charge-sheet No.1622 of 2024 dated 31.12.2024 came to be submitted against the opposite party no.2 and the four co-accused, namely, Dharmendra Kumar, Sunny Kumar, Rohit Pandey and Shiv Kumar @ Hira Choudhary, for the offences punishable under Sections 103(1) and 61(2) of the BNS and Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act. Cognizance was taken *vide* order dated 17.02.2025 and, upon commitment, charges were framed against all the accused persons, including the opposite party no.2, *vide* order dated 13.08.2025 passed by the Additional District Judge-I, Patna City, in Sessions Trial No.1309 of 2025. The opposite party no.2 was arrested on 08.10.2024, i.e., on the very date of the occurrence, and was remanded to judicial custody on 09.10.2024.

5. The opposite party no.2 had twice earlier moved this Court for grant of regular bail. His first prayer for



regular bail, being Criminal Miscellaneous No.10643 of 2025, was heard by a Coordinate Bench of this Court which was heard and disposed of along with Criminal Miscellaneous No.21416 of 2025, preferred by the co-accused Rohit Pandey and Shiv Kumar @ Hira Choudhary, and all the said prayers were rejected by a common order dated 13.05.2025. It is apposite to notice that, in the said proceeding, the learned counsel appearing for the opposite party no.2 had himself apprised the Court of the criminal antecedents of the opposite party no.2, in the following words:-

*“4. ... It is also submitted that petitioner, namely, Sanjeet Kumar @ Sanjeet Yadav is in judicial custody since 09.10.2024 and **he has got five criminal antecedents...**”*

6. The order dated 13.05.2025, rejecting the prayer for bail of the opposite party no.2 and of the co-accused Rohit Pandey and Shiv Kumar @ Hira Choudhary, further records as under:-

“5. However, learned Counsel for the informant and learned APP for the State have opposed the prayer for regular bail of the petitioner. Learned counsel for the informant submits that house of the petitioner, namely, Sanjeet Kumar @ Sanjeet Yadav is adjacent to the house of the informant and he wants to grab



her house that is why he along with other petitioners have killed the husband of the informant. He further submits that petitioners are notorious criminals and they have executed the commission of the crime. He further submits that keeping the gravity and seriousness of the crime and criminal antecedents of the petitioners the bail for the petitioners should be rejected. He further submits that an FIR (Alamganj P.S. Case No.1109 of 2024) was registered from the informant side where two persons threatening the sister of the informant for taking back the complaint against the petitioners otherwise they will be killed. Weapon used in the crime is recovered from the petitioner namely, Rohit Pandey @ Rohit Kumar Pandey. He further submits that in paragraph no.32 of the case diary i.e. confessional statement of Shiv Kumar, it is mentioned that weapon used in the murder of the deceased is given to the petitioner namely, Rohit Pandey @ Rohit Kumar Pandey by the petitioner namely, Shiv Kumar @ Hira Choudhary @ Shivshankar Chaudhary which is came under CCTV Footage. Therefore, there is strong nexus between petitioner, namely, Shiv Kumar @ Hira Chaudhary @ Shivshankar Chaudhary, petitioner namely, Rohit Pandey @ Rohit Kumar Pandey and petitioner, namely, Sanjeet Kumar @ Sanjeet Yadav. From seizure list, it appears that weapons used in



the crime was recovered near to the house of the petitioner namely, Rohit Pandey @ Rohit Kumar Pandey.

6. *From perusal of the F.I.R., impugned order and case diary, it appears that **all petitioners are involved in the commission of the murder of the deceased.***

7. *Considering the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant regular bail to the petitioners.” (emphasis supplied).*

7. The opposite party no.2 thereafter renewed his prayer for regular bail before this Court by filing Criminal Miscellaneous No.56740 of 2025. The said prayer was rejected by a Coordinate Bench of this Court *vide* order dated 26.09.2025 having found that no fresh ground to reconsider the prayer of the petitioner therein.

8. The record of the co-accused persons, insofar as their prayers for bail are concerned, may also be noticed. The prayer for regular bail of the co-accused Sunny Kumar, who was seen in the CCTV footage at the place of occurrence and who is named in the confessional statement recorded in paragraph no. 25 of the case diary as the person who fired upon the deceased, was rejected by a Coordinate Bench of this Court *vide* order dated 18.08.2025 passed in Criminal Miscellaneous No.49656



of 2025, having regard to the specific and heinous nature of the offence, with a direction to the Trial Court to expedite the trial and conclude the same at the earliest. His second attempt for grant of bail was also dismissed *vide* order dated 01.04.2026 passed in Criminal Miscellaneous No.20042 of 2026 having found no new ground to review the earlier order.

9. The prayer for regular bail of the co-accused Rohit Pandey was rejected *vide* the common order dated 13.05.2025 passed in Criminal Miscellaneous No.21416 of 2025 and, again, *vide* order dated 09.01.2026 passed in Criminal Miscellaneous No.84414 of 2025, there being no fresh ground to reconsider his prayer. The prayer for regular bail of the co-accused Shiv Kumar @ Hira Choudhary was likewise rejected *vide* the common order dated 13.05.2025, and his subsequent application, being Criminal Miscellaneous No.18933 of 2026, was dismissed as withdrawn *vide* order dated 10.04.2026, with liberty to approach the appropriate forum.

10. The solitary co-accused to have been enlarged on bail is Dharmendra Kumar, whose prayer was allowed by a Coordinate Bench of this Court *vide* order dated 19.08.2025 passed in Criminal Miscellaneous No.38287 of 2025. It was urged on his behalf therein before the Co-ordinate



Bench, that he is not named in the F.I.R. and his name had sprung up in the confessional statement of the co-accused, further the specific allegation of firing is against the co-accused Sunny Kumar, and lastly, that he has two criminal antecedents and was in custody since 17.10.2024. The Coordinate Bench, *vide* the said order, directed as under:-

“6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna City, Patna in connection with Alamganj P.S. Case No.895 of 2024, with the condition;-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.” (emphasis supplied).

11. It is of significance, to underscore and emphasize that the aforequoted order dated 19.08.2025 enlarging the co-accused Dharmendra Kumar on bail was passed prior to the order dated 26.09.2025, whereby the second prayer for regular bail of the opposite party no.2 was rejected by the Coordinate Bench of this Court upon the categorical finding



that there was no fresh ground to reconsider his prayer.

12. Undeterred, the opposite party no.2 filed yet another petition for bail, this time before the Trial Court, in Sessions Trial No.1309 of 2025. The present petitioner has annexed the aforesaid bail petition moved before the Trial Court as Annexure P/5 to this petition. In paragraph no.2 of the said bail petition, the opposite party no.2 disclosed the rejection of his two earlier prayers by this Court, however, in paragraph no. 3 thereof, he disclosed only two criminal antecedents, namely, Alamganj P.S. Case No.878 of 2024 and Khusrupur P.S. Case No.140 of 2022. It is on the said petition that the impugned order dated 28.03.2026 came to be passed by the District & Additional Sessions Judge-I, Patna City, enlarging the opposite party no.2 on bail. The concluding part thereof, which contains the consideration and the conclusion of the learned Trial Court, deserves to be noticed verbatim, and reads as under:-

“अभिलेख अवलोकन से विदित होता है साथ ही आवेदक के अधिवक्ता का अभिकथन है कि इस वाद में धारा 103/61(2) बी०एन०एस० एवं 27 शस्त्र अधिनियम में प्राथमिकी दर्ज किया गया है। आवेदक/अभियुक्त प्राथमिकी के नामजद अभियुक्त है। कांड दैनिकी के कंडिका संख्या 20 में घटना के सी.सी.टी.वी. फुटेज में अभियुक्त सन्नी कुमार एवं धर्मेन्द्र कुमार को घटना कारित करते हुए देखा गया है। अभियुक्त धर्मेन्द्र कुमार एवं सन्नी कुमार का स्वीकारोक्ति बयान लिया गया है। कांड दैनिकी के कंडिका संख्या 51 में आवेदक/अभियुक्त के दोनों



मोबाईल नंबर से किसी भी सह अभियुक्त के मोबाईल पर बातचीत होने का रिकार्ड नहीं पाया गया है। कांड दैनिकी के कंडिका संख्या 56, 57, 58, 59 एवं 60 में साक्षियों के बयान का अवलोकन से यह भी तथ्य आया कि सूचिका के भाई प्रमोद कुमार सिंहा के द्वारा आवेदक/अभियुक्त को जमीन का बैयवयाना कर आवेदक/अभियुक्त से बीस लाख रुपये अग्रिम राशि के रूप में लिया गया है परंतु कथित जमीन आवेदक/अभियुक्त के पक्ष में निबंधित नहीं किया गया है। यह तथ्य साक्षियों द्वारा स्वीकृत है कि आवेदक/अभियुक्त के द्वारा सूचिका के भाई को बीस लाख रुपए अग्रिम राशि के रूप में भुगतान किया गया है। आवेदक/अभियुक्त के विरुद्ध मृतक को पूर्व के कथित धमकी देने का सनहा अथवा आवेदन नहीं दिया गया है। सह अभियुक्त धर्मेन्द्र कुमार माननीय उच्च न्यायालय, पटना के आदेश से जमानत पर मुक्त है। माननीय उच्च न्यायालय, पटना द्वारा बबुनी यादव बनाम बिहार सरकार में अभिकथन किया गया है कि यदि समान आरोप में यदि सह अभियुक्त को जमानत प्रदान की गयी है तो अन्य अभियुक्त को भी निचली अदालत द्वारा जमानत प्रदान किए जाने पर सकारात्मक विचार किया जा सकता है। आवेदक/अभियुक्त एक 65% विकलांग व्यक्ति है जो बैसाखी के सहारे चलता है तथा इस संबंध में कागजात दाखिल किया गया है। वाद में आरोप का गठन किया जा चुका है तथा आवेदक/अभियुक्त दिनांक 09.10.2024 से न्यायिक अभिरक्षा में है एवं इस कांड में छः गवाहों की गवाही हो चुकी है। इस कांड के विचारण में कोई प्रतिकूल प्रभाव पड़ने की आशंका नहीं रह गयी है।

उपरोक्त तथ्यों एवं परिस्थितियों के आलोक में आवेदक/अभियुक्त को जमानत पर मुक्त करना न्यायोचित प्रतीत होता है और आवेदक/अभियुक्त को 10,000/- रुपये के बंधपत्र एवं समान राशि के दो प्रतिभुओं के बंधपत्र दाखिल करने पर जमानत पर मुक्त किया जाता है।”

13. It is also necessary to notice that the impugned order, while recording the submissions advanced on



behalf of the opposite party no.2, recites as under:-

“इसके पूर्व आवेदक की ओर से नियमित जमानत आवेदन
माननीय उच्च न्यायालय, पटना के द्वारा दिनांक
13.05.2025 को कि० मि० संख्या- 56740/2025 में
खारिज किया गया है।”

14. The aforesaid recital conflates the date of the first rejection 13.05.2025, which was passed in Criminal Miscellaneous No.10643 of 2025 with the number of the second application being Criminal Miscellaneous No.56740 of 2025, which was rejected on 26.09.2025, and, what is of far greater important is that the impugned order nowhere adverts to the second rejection dated 26.09.2025 at all.

15. At the outset, the learned counsel for the petitioner has submitted that the impugned order is unsustainable in the eyes of law, inasmuch as the learned Trial Court has enlarged the opposite party no.2 on bail notwithstanding that his prayer for regular bail had been rejected on two earlier occasions by the Coordinate Benches of this Court, *vide* orders dated 13.05.2025 and 26.09.2025, and the impugned order neither adverts to the reasons which impelled the aforesaid Co-ordinate Bench of this Court to decline bail, nor records any substantial or material change in the fact-situation intervening between the second rejection dated



26.09.2025 and the impugned order dated 28.03.2026. It is submitted that a Court subordinate in the judicial hierarchy cannot, on substantially the same material, grant a relief which the superior Court has categorically declined, and that the course adopted by the learned Trial Court is destructive of judicial discipline, propriety and comity. Learned counsel for the petitioner has placed reliance in this behalf upon the decisions of the Hon'ble Supreme Court in *State of Maharashtra v. Captain Buddhikota Subha Rao*, reported as *1989 Supp (2) SCC 605*, *Bimla Devi v. State of Bihar & Ors.*, reported as *(1994) 2 SCC 8*, and *Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav & Anr.*, reported as *(2004) 7 SCC 528*.

16. The learned counsel for the petitioner has next submitted that the parity extended by the Trial Court with reference to the co-accused Dharmendra Kumar is wholly misplaced, for a twofold reasons. *Firstly*, as per the allegation, the role attributed to the opposite party no.2 is distinct from, and graver than, that of the co-accused Dharmendra Kumar. It is emphasised by the learned counsel for the petitioner that the opposite party no.2 is the solitary accused named in the F.I.R., with an independent motive narrative which predates the



confessional statements, namely, the land dispute, the design to grab the newly built house of the informant and the threats held out to the deceased, and he is the alleged procurer and financier (*supari-giver*) of the contract killing, having paid Rs.5,000/- as an advance to the shooter and having met him about four months prior to the occurrence, whereas the co-accused Dharmendra Kumar is not named in the F.I.R., no overt act of firing is attributed to him and he has only two criminal antecedents as against five of the opposite party no.2,

17. *Secondly*, the plea of parity stood foreclosed, inasmuch as the co-accused Dharmendra Kumar was enlarged on bail on 19.08.2025, and it is thereafter, on 26.09.2025, that the Coordinate Bench of this Court rejected the second prayer of the opposite party no.2 upon the finding that there was no fresh ground, it is thus vehemently argued by the learned counsel for the petitioner that the superior Court having thus declined to treat the release of Dharmendra Kumar as a ground for the enlargement of the opposite party no.2, it was not open to the Trial Court to act upon that very parity. The learned counsel for the petitioner has drawn strength from the decisions of the Hon'ble Supreme Court in ***Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana Koli & Ors.***, reported as



(2021) 6 SCC 230, and *Neeru Yadav v. State of U.P. & Anr.*, reported as *(2014) 16 SCC 508*.

18. It is next submitted by the learned counsel for the petitioner that the opposite party no.2 has obtained the impugned order upon a suppression of his criminal antecedents. It is pointed out that before the Coordinate Bench of this Court, in the proceeding culminating in the order dated 13.05.2025, the learned counsel for the opposite party no.2 therein, had himself stated that the opposite party no.2 has got five criminal antecedents, namely, (1) Alamganj P.S. Case No.878 of 2024, (2) Khusrupur P.S. Case No.140 of 2024, (3) Khusrupur P.S. Case No.450 of 2024, (4) Khusrupur P.S. Case No.58 of 2015 and (5) Khusrupur P.S. Case No.48 of 2019, whereas in paragraph 3 of the bail petition filed before the Trial Court, only two of the said cases were disclosed. It is submitted that the suppression of criminal antecedents in a bail petition amounts to playing fraud upon the Court and overreaching its process, and is, by itself, a sufficient ground for cancellation of the bail, and further that the impugned order does not advert to the criminal antecedents of the opposite party no.2 at all. Reliance has been placed upon the decisions of the Hon'ble Supreme Court in *Kusha Duruka v. State of Odisha*, reported as *(2024) 4 SCC*



432, and ***Deepak Yadav v. State of U.P. & Anr.***, reported as **(2022) 8 SCC 559**.

19. The learned counsel for the petitioner has further submitted that the Trial Court has, at the stage of bail, has embarked upon an impermissible appreciation of the material collected in course of the investigation, inasmuch as it has weighed the confessional statements recorded in paragraph nos. 25, 29 and 32 of the case diary against the absence of call detail records (paragraph no. 51), the statement of the tea vendor (paragraph no.63) and the statements of the witnesses regarding the advance of Rs.20 lakh (paragraph nos. 56 to 60), and has, in effect, returned a finding on the strength of the defence, which is an exercise reserved exclusively for the trial.

20. It is next submitted that the trial had, by the date of the impugned order, progressed to an advanced stage as six prosecution witnesses, including the Medical Officer (P.W.-5) and the Investigating Officer (P.W.-6), have been examined in the trial and therefore, in view of the law laid down by the Hon'ble Supreme Court in ***X v. State of Rajasthan & Anr.***, reported as **2024 SCC OnLine SC 3539**, once the trial has commenced and the prosecution has begun examining its witnesses, the Court should be loath in entertaining the bail



application of the accused in serious offences like murder, and the trial, once commenced, should be allowed to reach its final conclusion.

21. The learned counsel for the petitioner has also submitted that there is a live and demonstrated apprehension of the misuse of the liberty by the opposite party no.2, inasmuch as, even while he was in custody, his nephew and an associate had threatened the family of the informant with death for the withdrawal of the case, in respect whereof Alamganj P.S. Case No.1109 of 2024 came to be instituted from the side of the informant, a circumstance which was expressly noticed in the order of the Coordinate Bench dated 13.05.2025, and further that, after his release, the opposite party no.2 and his associates have often been seen wandering around the house of the informant, on account whereof the informant, a 56-year old widow who resides in the house adjoining that of the opposite party no.2, has a reasonable apprehension of harm. The learned counsel for the petitioner submits that the impugned order fails to advert to Alamganj P.S. Case No.1109 of 2024 at all.

22. It is also submitted by the learned counsel for the petitioner that the learned Trial Court has ignored the uniform treatment which the prayers for bail of the co-accused



have received at the hands of the Coordinate Benches of this Court, and, in particular, that the second rejection of the prayer of the co-accused Rohit Pandey, *vide* order dated 09.01.2026 passed in Criminal Miscellaneous No.84414 of 2025, which was already on the record of the case when the impugned order came to be passed. It is submitted by the learned counsel for the petitioner that the solitary grant in favour of the co-accused that is, Dharmendra Kumar, resting as it does upon the period of custody, could not have been permitted to eclipse the specific role and the materials available on record and most pressingly the fact that while rejecting the prayer for bail, the Coordinate Bench had categorically recorded that no fresh grounds for bail were made though the co-accused Dharmendra Kumar was enlarged on bail.

23. *Lastly*, the learned counsel for the petitioner has placed reliance upon the decisions of the Hon'ble Supreme Court in ***Puran v. Rambilas & Anr.***, reported as ***(2001) 6 SCC 338***, ***Mahipal v. Rajesh Kumar @ Polia & Anr.***, reported as ***(2020) 2 SCC 118***, ***Deepak Yadav (supra)***, ***Ajwar v. Waseem & Anr.***, reported as ***(2024) 10 SCC 768***, and ***State of Karnataka v. Sri Darshan etc.***, reported as ***2025 SCC OnLine SC 1702***, for the proposition that an order granting bail which is unjustified,



illegal or perverse, or which is founded upon irrelevant considerations while ignoring the relevant material on record, is always open to be set aside by the superior Court, and that such power, being distinct from the power to cancel bail for misuse of liberty, does not require any supervening misconduct to be shown.

24. The learned Additional Public Prosecutor for the State has supported the case of the petitioner and has submitted that the opposite party no.2 is the named accused in the F.I.R. of a case of a paid (contract killing) and premeditated murder, and his prayer for bail was rejected twice by the Coordinate Bench of this Court. The enlargement of the opposite party no.2 on bail by the learned Trial Court, in the teeth of the orders of this Court, is likely to imperil the remainder of the trial.

25. *Per contra*, the learned counsel for the opposite party no.2 has supported the impugned order and has submitted that the considerations governing the cancellation of bail stand on a footing entirely different from those governing its grant, and that bail once granted is not to be cancelled in a routine, mechanical or punitive manner in the absence of misuse of the liberty, breach of the conditions of bail, interference with



the investigation or the trial, threat to the witnesses, an attempt to abscond, or the procurement of bail by fraud, none of which, it is submitted, is established in the facts of the present case. It is submitted that the present application discloses no cogent supervening circumstance arising after the grant of bail and is, in substance, a challenge to the correctness of the original bail order, repackaged as an application for cancellation. Reliance has been placed upon *Dolat Ram & Ors. v. State of Haryana*, reported as (1995) 1 SCC 349, *Himanshu Sharma v. State of Madhya Pradesh*, reported as (2024) 4 SCC 222, and *Abdul Basit @ Raju v. Mohd. Abdul Kadir Chaudhary*, reported as (2014) 10 SCC 754.

26. It is next submitted that the impugned order is a reasoned order passed in the exercise of sound judicial discretion upon a consideration of the case diary, and that the material therein, which far from implicating the opposite party no.2, exculpates him. It is emphasized by the learned counsel for the opposite party no.2 that he was not seen in the CCTV footage of the occurrence and nothing incriminating has been recovered from him. Further, paragraph no.51 of the case diary records that no call detail record connecting either of his two mobile numbers with any co-accused was found. Furthermore,



paragraph no.63 records that the tea vendor, Vijay Choudhary, did not support the alleged meeting between the opposite party no.2 and the co-accused Sunny Kumar and no independent witness has been examined. The learned counsel for the opposite party no.2 submits that, paragraph nos. 56 to 60 record the admission of the witnesses that the brother of the informant had taken Rs.20 lakh from the opposite party no.2 as advance under an agreement for sale which was never carried to registration, which furnishes the real motive for his false implication. It is submitted that the informant is, admittedly, not an eyewitness to the occurrence and the opposite party no.2 came to be named in the F.I.R. on mere suspicion as a result of the land dispute. The learned counsel has next submitted that no complaint or *sanha* in respect of the alleged prior threats was ever lodged by the deceased or his family, that the opposite party no.2 was arrested from his house immediately after the occurrence and made no attempts to flee.

27. It is further submitted on behalf of the opposite party no. 2 that there was a genuine and substantial change in circumstances between the rejection of the second prayer for bail on 26.09.2025 and the impugned order dated 28.03.2026, inasmuch as the trial had substantially progressed



and six prosecution witnesses, including the Medical Officer and the Investigating Officer, had been examined, further the prosecution evidence came to be closed on 10.04.2026, within a fortnight of the impugned order, so the apprehension of tampering with the evidence, which is the principal purpose of custody pending trial, already stood exhausted. It is submitted that the opposite party no.2 had remained in custody for about seventeen and a half months by the date of the impugned order, and he is a 65% disabled person who walks with the help of crutches. It is next submitted that the opposite party no. 2 was arrested from his house on the date of the occurrence itself and his re-incarceration at this stage would be purely punitive. It is also submitted that the opposite party no.2 candidly disclosed both the earlier rejections, with correct case numbers and dates, in paragraph 2 of his bail petition before the Trial Court, and there was, therefore, no fraud or suppression played upon the Court. Further two criminal antecedents were duly disclosed in paragraph no. 3 of the bail petition and the mere pendency of other criminal cases is not, by itself, a ground to deny bail, as held in *Prabhakar Tewari v. State of U.P. & Anr.*, reported as (2020) 11 SCC 648.

28. Lastly, on the aspect of parity, the learned



counsel for the opposite party no.2 has submitted that the case of the opposite party no.2 stands on a lesser footing than that of the co-accused Dharmendra Kumar, who was seen in the CCTV footage at the place of occurrence and whose confessional statement is the anchor of the case of the prosecution. Nonetheless, he been enlarged on bail by this Court, and Trial Court was, therefore, justified in extending the benefit of the decision of this Court in ***Babuni Yadav v. State of Bihar Criminal Miscellaneous 52258 of 2007***. It is lastly submitted that Alamganj P.S. Case No.1109 of 2024 was instituted while the opposite party no.2 was in custody and names his nephew, and not the opposite party no.2. Furthermore, the allegation of the opposite party no.2 wandering around the house of the informant after his release is wholly vague, bald and bereft of particulars, no *sanha*, complaint or other contemporaneous material having been brought on record in support thereof.

29. I have heard learned counsel for the parties and considered their submissions. I have also perused the materials available on record, including the orders of the Coordinate Benches of this Court and the impugned order dated 28.03.2026, by which the opposite party no.2 has been granted bail.



30. Upon hearing learned counsel for the parties and on a conspectus of the materials on record, the moot question that arises for consideration in the present application is whether the impugned order dated 28.03.2026 is illegal, perverse or founded upon irrelevant considerations while ignoring the relevant material on record, so as to warrant its annulment by this Court.

31. Before advertng to the rival contentions, it would be apposite to notice the settled law governing the subject matter. The Hon'ble Supreme Court, in the case of ***State of Karnataka v. Sri Darshan etc. (supra)***, has exhaustively surveyed the entire jurisprudence on the subject and has held as under:-

“18. Let us now examine the jurisprudence on when bail may be annulled or cancelled. Two distinct categories have emerged in this regard:

(A) Annulment of Bail due to legal infirmity in the order; and

(B) Cancellation of Bail, i.e., revocation of bail due to post-grant misconduct or supervening circumstances.

(A). Annulment of bail orders

18.1. This refers to the appellate or revisional power to set aside a bail order that is perverse, unjustified, or passed in



violation of settled legal principles. It is concerned with defects existing at the time the bail was granted, without reference to subsequent conduct.

xxxx

20.4. Filing of charge sheet or lengthy list of witnesses does not justify grant of bail.

xxxx

22.4. An order that overlooks material evidence or proceeds on an erroneous premise is perverse, and such perversity forms a valid ground for cancellation or setting aside of bail.” (emphasis supplied).

32. The grounds on which bail already granted may be cancelled were enumerated by the Hon’ble Supreme Court in the case of ***Dolat Ram & Ors. v. State of Haryana (supra)***, in the following words:-

“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...”

33. The illustrative circumstances in which an order granting bail may itself be set aside were summarized by the Hon’ble Supreme Court in the case of ***Deepak Yadav v. State of U.P. & Anr. (supra)***, as under:-

“33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:-

33.1 Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring



relevant material on record.

33.2. Where the court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.

33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.

33.4. Where bail has been granted on untenable grounds.

33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.

33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.

33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.” (emphasis supplied).

34. The distinction between the cancellation of bail on account of supervening circumstances or misuse of



liberty, on the one hand, and the annulment or setting aside of an unjustified, illegal or perverse order granting bail, on the other, was lucidly explained by the Hon'ble Supreme Court in the case of *Neeru Yadav v. State of U.P. & Anr. (supra)*, in the following words:-

“12. We have referred to certain principles to be kept in mind while granting bail, as has been laid down by this Court from time to time. It is well settled in law that cancellation of bail after it is granted because the accused has misconducted himself or of some supervening circumstances warranting such cancellation have occurred is in a different compartment altogether than an order granting bail which is unjustified, illegal and perverse. If in a case, the relevant factors which should have been taken into consideration while dealing with the application for bail and have not been taken note of, or bail is founded on irrelevant considerations, indisputably the superior court can set aside the order of such a grant of bail. Such a case belongs to a different category and is in a separate realm. While dealing with a case of second nature, the Court does not dwell upon the violation of conditions by the accused or the supervening circumstances that have happened



subsequently. It, on the contrary, delves into the justifiability and the soundness of the order passed by the Court.”

(emphasis supplied).

35. The position has been reiterated by the Hon’ble Supreme Court in the case of *Ajwar v. Waseem & Anr.*, reported as **(2024) 10 SCC 768**, in the following words:-

*“27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In *P v. State of M.P.* (2022) 15 SCC 211 decided by a three-Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1) CrPC in the following words : (SCC p. 224, para 24)*

“24. As can be discerned from the above decisions, for cancelling bail once



granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [Dolat Ram v. State of Haryana, (1995) 1 SCC 349 . To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.”

Considerations for setting aside bail orders.

28. *The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only*



illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused.

29. *In Jagjeet Singh v. Ashish Mishra, (2022) 9 SCC 321, a three-Judge Bench of this Court, has observed that the power to grant bail under Section 439 CrPC is of wide amplitude and the High Court or a Sessions Court, as the case may be, is bestowed with considerable discretion while deciding an application for bail. **But this discretion is not unfettered. The order passed must reflect due application of judicial mind following well-established principles of law. In ordinary course, courts would be slow to interfere with the order where bail has been granted by the courts below. But if it is found that such an order is illegal or perverse or based upon utterly irrelevant material, the appellate court would be well within its power to set aside and cancel the bail.** (Also refer: *Puran v. Rambilas* (2001) 6 SCC 338; *Narendra K. Amin v. State of Gujarat* (2008) 13 SCC 584.”*

(Emphasis supplied).

36. From the aforequoted judgments, the



following propositions of law emerge. *Firstly*, the cancellation of bail already granted requires cogent and overwhelming supervening circumstances, such as misuse of the liberty, tampering with the evidence, intimidation of the witnesses or evasion of justice, and cannot be founded upon a mere re-appreciation of the material which was before the Court at the time of the grant. *Secondly*, the annulment, by the superior Court, of an order granting bail which is illegal, perverse, founded upon irrelevant considerations or passed in ignorance of the relevant material, is concerned with the defects existing at the time of the grant itself, and may be exercised irrespective of any subsequent misconduct on the part of the accused. It is upon this twofold touchstone that the present application falls to be examined.

37. The law governing the grant of bail by a subordinate Court after the rejection of the prayer for bail of the same accused by the superior Court is no longer *res integra*, as long ago as in *State of Maharashtra v. Captain Buddhikota Subha Rao (supra)*, the Hon'ble Supreme Court held that judicial discipline, propriety and comity demand that an order enlarging an accused on bail, after the rejection of his earlier prayers, must record a substantial change in the fact-situation,



and that when one speaks of change, one means a material and substantial one which has a direct impact on the earlier decision and not merely cosmetic changes which are of little or no consequence, for, otherwise, the subsequent order amounts to virtually overruling the earlier decision without there being a change in the fact-situation.

38. In *Bimla Devi v. State of Bihar & Ors.* (*supra*), where a Magistrate had granted provisional bail to an accused of murder despite the rejection of two successive bail applications by the High Court, the Hon'ble Supreme Court observed as under:-

“2. In view of the fact that the Judicial Magistrate at a later stage has himself cancelled the bail, it is not necessary for us to pass any order with regard to the petitioner's prayer for cancellation of bail but the disturbing feature of the case is that though two successive applications of the accused for grant of bail were rejected by the High Court yet the learned Magistrate granted provisional bail. The course adopted by the learned Magistrate is not only contrary to settled principles of judicial discipline and propriety but also contrary to the statutory provisions. (See in this connection Shahzad Hasan Khan case (1987) 2 SCC 684. The manner in



which the learned Magistrate dealt with the case can give rise to the apprehensions which were expressed by the complainant in her complaint, which was treated by this Court as a writ petition and is being dealt with as such. In the course that we are adopting, we would not like to comment upon the manner in which the learned Magistrate dealt with the case any more at this stage. We, in the facts and circumstances stated above, direct that a copy of this order be sent to the Chief Justice of the Patna High Court for taking such action on the administrative side as may be deemed fit by him.”

39. In *Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav & Anr. (supra)*, the Hon’ble Supreme Court, while emphasising the requirement of indicating reasons for the grant of bail where the accused stands charged of a serious offence, held in categorical terms as under:-

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was



being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh [(2002) 3 SCC 598 and Puran v. Rambilas [(2001) 6 SCC 338.

xxx

20. Before concluding, we must note that though an accused has a right to make successive applications for grant of bail the court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the court also has a duty to record what are the fresh grounds which



persuade it to take a view different from the one taken in the earlier applications.

In the impugned order we do not see any such fresh ground recorded by the High Court while granting bail. It also failed to take into consideration that at least on four occasions order refusing bail has been affirmed by this Court and subsequently when the High Court did grant bail, this Court by its order dated 26-7-2000 cancelled the said bail by a reasoned order. From the impugned order, we do not notice any indication of the fact that the High Court took note of the grounds which persuaded this Court to cancel the bail. Such approach of the High Court, in our opinion, is violative of the principle of binding nature of judgments of the superior court rendered in a lis between the same parties, and in effect tends to ignore and thereby render ineffective the principles enunciated therein which have a binding character.”

(emphasis supplied).

40. The vice of the omission of the Court granting bail to advert to the reasons which impelled the superior Court to decline bail has recently been explained by the Hon’ble Supreme Court in the case of ***Mohseen v. State of U.P. & Anr.***, reported as **2026 SCC OnLine SC 919**, wherein it has been held as under:-



“23. *The first and most fundamental infirmity in the impugned order is the complete absence of any engagement with the order dated 27.01.2025 passed by this Court in SLP (Crl) No.18256 / 2024 whereunder the first bail of the respondent no.2 was cancelled. The impugned order does not advert to the reasons that impelled this Court to cancel bail, nor does it identify any supervening circumstances or changed factual matrix that might justify a departure from the position adopted by this Court in the earlier round.*

24. *While there is no absolute bar against a High Court granting bail to an accused whose bail was previously cancelled by this Court, the grant of bail must be supported by reasons demonstrating either a change in circumstances or the existence of fresh grounds not considered by this Court at the time of cancellation.*”
(emphasis supplied).

41. Tested on the anvil of the aforesaid principles, the impugned order, in the considered opinion of this Court, cannot be sustained, for more reasons than one.

42. In the first place, the impugned order has been passed in complete disregard of the two orders of the Coordinate Benches of this Court rejecting the prayer for regular bail of the opposite party no.2. The impugned order does



not advert to, much less discuss, the reasons which impelled the Coordinate Bench, *vide* the order dated 13.05.2025, to decline bail, namely, the finding recorded upon a perusal of the F.I.R. and the case diary that all the accused are involved in the commission of the murder of the deceased, the strong nexus emerging from paragraph nos. 25, 29 and 32 of the case diary, the gravity of the offence, the criminal antecedents of the accused and the institution of Alamganj P.S. Case No.1109 of 2024. What is graver still, the impugned order falls totally silent on the second rejection dated 26.09.2025 in Criminal Miscellaneous No.56740 of 2025, and its solitary recital of the bail history, as noticed hereinabove, conflates the date of the first rejection with the number of the second application. An order which cannot correctly recount the bail history of the accused, disclosed in the bail petition itself, can scarcely be credited with having considered the reasons underlying the earlier rejections, as mandated by ***Kalyan Chandra Sarkar (supra)*** and ***Mohseen (supra)***.

43. Further from the perusal of the impugned order, it is clear that the Trial Court has failed to record any substantial change in the fact-situation intervening between the rejection dated 26.09.2025 and the impugned order dated



28.03.2026, having a direct impact upon the earlier decision of this Court. The framing of the charge and the grant of bail to the co-accused both predates the second rejection and, therefore, already stood weighed when this Court found no fresh ground on 26.09.2025. The only developments in the *interregnum* were the examination of six of the charge-sheeted witnesses and the passage of time. Neither of these, singly or cumulatively, constitutes a substantial change in the fact-situation of the nature contemplated in *Captain Buddhikota Subha Rao (supra)*. The Hon'ble Supreme Court in *X v. State of Rajasthan (supra)*, had held that the progress of the trial, once the prosecution has begun examining its witnesses, is a circumstance which ought to make the Court loath to entertain the prayer for bail in a serious offence like murder, and not a circumstance in aid of it:-

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

15. Over a period of time, we have noticed two things, i.e., (i) either bail is granted after the charge is framed and just before the



victim is to be examined by the prosecution before the trial court, or (ii) bail is granted once the recording of the oral evidence of the victim is complete by looking into some discrepancies here or there in the deposition and thereby testing the credibility of the victim.

16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.”

44. The import of the impugned order, therefore, is that the learned Trial Court has, in effect, sat in review over the orders of the Coordinate Benches of this Court dated 13.05.2025 and 26.09.2025, a course wholly impermissible in law, and one which the Hon’ble Supreme Court, in ***Bimla Devi***



(supra) had characterised as contrary not only to the settled principles of judicial discipline and propriety but also to the statutory provisions. The Hon'ble Supreme Court in *M/s Netsity Systems (P) Ltd. v. State (NCT of Delhi)*, reported as **2025 SCC OnLine SC 2079**, while deprecating a similar course, has enumerated the grounds of interference by the superior Court, namely, perversity, illegality, inconsistency with law and relevant factors not having been taken into consideration, and has emphasised the level of weightage which the decisions of the superior Courts must be accorded by the Courts below.

45. The plea of parity, which is the pivot of the impugned order, is misplaced on a twofold counts. The doctrine of parity is not a mechanical rule of thumb as held by the Hon'ble Supreme Court in *Ramesh Bhavan Rathod (supra)*. In deciding the aspect of parity, the role attached to the accused, their position in relation to the incident and to the victims, is of utmost importance, and the grant of bail on an unanalysed plea of parity, in disregard of the material distinguishing the case of the accused, itself renders the order perverse, as held in *Neeru Yadav (supra)*.

46. The roles of the opposite party no.2 and of the co-accused Dharmendra Kumar are not similar. The opposite



party no.2 is the solitary accused named in the F.I.R., with a motive narrative recorded therein which predates and stands independent of the confessional statements, namely, the land dispute, the adjacency of the houses, the design to grab the newly built house of the informant and the threat that the wife of the deceased would be widowed. According to the prosecution story he is the alleged procurer and financier of the contract killing (*supari* giver), at whose instance and for whose benefit, on the prosecution case, the entire conspiracy was set in motion, having allegedly met the shooter about four months prior to the occurrence and paid him Rs.5,000/- as advance. It is noted that on the earlier occasions, the Coordinate Bench of this Court, on the submission of the learned counsel appearing therein, had recorded the five criminal antecedents of the opposite party no.2 as also the threats to the side of the informant, forming the subject matter of Alamganj P.S. Case No.1109 of 2024. The co-accused Dharmendra Kumar, *per contra*, is not named in the F.I.R and no overt act of firing was attributed to him. He had disclosed two antecedents. Therefore, in the considered opinion of this Court, the role attributed to the opposite party no.2 being distinct from, and graver than, that of the co-accused enlarged on bail, parity could not have been claimed.



47. More importantly, the plea of parity stood foreclosed by the order of the Coordinate Bench dated 26.09.2025. The co-accused Dharmendra Kumar was enlarged on bail on 19.08.2025. It is thereafter, on 26.09.2025, that the Coordinate Bench of this Court rejected the second prayer of the opposite party no.2, holding that there was no fresh ground to reconsider his prayer. The release of Dharmendra Kumar was, therefore, a circumstance in existence, and available to be urged, when this Court declined bail to the opposite party no.2 on the second occasion. The superior Court having, thus, declined to treat the release of the co-accused as a ground for the enlargement of the opposite party no.2, it was not open to the Trial Court to fundamentally base the impugned order on this ground. In doing so, the Trial Court has sat in review over the order of this Court. The decision of this Court in ***Babuni Yadav (supra)***, relied upon in the impugned order, presupposes that the co-accused enlarged on bail by the superior Court stands on a similar footing, and can have no application where the roles are dissimilar and where the superior Court has itself, subsequent to the release of the co-accused, declined bail to the accused claiming parity. It is also not out of place to notice that the prayers for bail of every other co-accused, namely, Sunny



Kumar, Rohit Pandey and Shiv Kumar @ Hira Choudhary, have been consistently rejected by this Court, the second rejection of the co-accused Sunny Kumar having been recorded on 01.04.2026.

48. The learned Trial Court has weighed the confessional statements recorded in paragraph nos. 25, 29 and 32 of the case diary against the absence of call detail records (paragraph no. 51), the statement of the tea vendor (paragraph no. 63) and the statements of the witnesses regarding the advance of Rs.20 lakh (paragraph nos. 56 to 60), and has, upon such weighment, in effect returned a finding that the implication of the opposite party no.2 is unworthy of credence. It is well settled that at the stage of considering a prayer for bail, the Court is not to embark upon a meticulous examination of the merits, and the credibility, admissibility and *inter se* weight of the material collected during the investigation, including the evidentiary worth of the confessional statements of the co-accused, are matters reserved exclusively for the trial, as held by the Hon'ble Supreme Court in ***Puran (supra)*** and reiterated in ***Kalyan Chandra Sarkar (supra)***, wherein the contention founded upon the alleged inadmissibility of the confession of a co-accused was held to be too premature to be accepted at the



stage of bail. The exercise undertaken by the Trial Court amounts to a premature appreciation of the evidence and a virtual mini-trial at the stage of bail.

49. The impugned order is wholly silent on Alamganj P.S. Case No.1109 of 2024, instituted from the informant's side upon the allegation that, even while the opposite party no.2 was in custody, his nephew and an associate threatened the family of the informant with death for the withdrawal of the present case, a circumstance which was expressly noticed by the Coordinate Bench in its order dated 13.05.2025.

50. The submissions advanced on behalf of the opposite party no.2 do not carry the matter any further. The submissions founded upon *Dolat Ram (supra)*, *Himanshu Sharma (supra)* and *Abdul Basit (supra)* proceed upon a misconception of the nature of the present application. The present is not a case of cancellation of bail on the ground of supervening misconduct, in which event the absence of any violation of the conditions of bail would have assumed significance, rather the present application invokes the power of this Court to annul an order granting bail which is perverse, founded upon considerations untenable in law and passed in



ignorance of the relevant material, and, as held in *Puran (supra)*, *Neeru Yadav (supra)* and *State of Karnataka v. Sri Darshan (supra)*, such power is distinct and does not require any supervening circumstance to be shown and established.

51. The period of custody of the opposite party no.2 and his disability are, no doubt, circumstances deserving of sympathy, but they are circumstances which existed, and were available to be urged, when the Coordinate Bench of this Court rejected his prayer for bail for the second time on 26.09.2025, and they cannot, in law, clothe the Trial Court with the authority to grant what this Court had already declined.

52. For the foregoing reasons, this Court is of the considered opinion that the impugned order dated 28.03.2026 is perverse and unsustainable in law, having been passed in disregard of the orders of the Coordinate Benches of this Court dated 13.05.2025 and 26.09.2025, in ignorance of the relevant material on record, including Alamganj P.S. Case No.1109 of 2024 and without recording any substantial and material change in the fact-situation and rather having been passed placing reliance upon a misplaced and foreclosed plea of parity and upon a premature appreciation of the material collected in course of the investigation. The impugned order, therefore,



cannot be sustained and the bail granted thereunder is liable to be cancelled.

53. In the result, the present application is allowed, the impugned order dated 28.03.2026 passed by the District & Additional Sessions Judge-I, Patna City, in Sessions Trial No.1309 of 2025, arising out of Alamganj P.S. Case No.895 of 2024, enlarging the opposite party no.2, Sanjeet Kumar @ Sanjeet Yadav, on bail, is set aside. The bail granted to the opposite party no.2 *vide* the impugned order dated 28.03.2026 is hereby cancelled and the bail bonds furnished by him, also stand cancelled. The opposite party no.2 shall surrender before the learned Trial Court within a period of one week from today, failing which the Senior Superintendent of Police, Patna, shall take all necessary steps to secure his arrest and commit him to custody.

54. The learned Trial Court is directed to proceed with the trial and conclude the same as expeditiously as possible, preferably within a period of six months from the date of receipt/production of a copy of this order, without being influenced by any observation made herein.

55. It is made abundantly clear that the observations made hereinabove, including those touching upon



the material collected in course of the investigation, are confined to the consideration of the present application and shall not be construed as an expression of any opinion on the merits of the case, which shall be decided by the learned Trial Court uninfluenced by the same.

(Sandeep Kumar, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	06.07.2026
Uploading Date	13.07.2026
Transmission Date	13.07.2026

