

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1097 of 2022

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|----------------------------|------|------|------|------------------|
| Neha Kumari | ... | | | Petitioner |
| Versus | | | | |
| 1. The State of Jharkhand | | | | |
| 2. Amit Kumar @ Amit Yadav | | | | Opposite Parties |

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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|--------------------|------------------------------------|
| For the Petitioner | : Mr. Rishu Ranjan, Advocate |
| For the State | : Mr. Anup P. Topno, Addl.P.P |
| For the O.P. No.2 | : Mr. B. M. Tripathy, Sr. Advocate |

Order No.06 Dated- 21/10/2022

Heard the parties.

This criminal miscellaneous has been filed by the petitioner with a prayer to cancel the bail granted to the opposite party No.2 in terms of the order dated 17.04.2021 passed in A.B.A. No.1638 of 2021.

Learned counsel for the petitioner submits that vide order dated 17.04.2021 passed in A.B.A. No.1638 of 2021, the opposite party No.2 was given the privileges of anticipatory bail consequent upon the petitioner and opposite party No.2 jointly filing I.A. No.2231 of 2021 to the effect that a settlement has arrived at between the parties outside the court. It is next submitted by the learned counsel for the petitioner that the opposite party No.2 is not abiding by the settlement arrived at between the parties which was one of the conditions for granting the privileges of anticipatory bail to the opposite party No.2. Hence, it is submitted that the anticipatory bail granted to the opposite party No.2 in connection with Ramgarh Mahila P.S. Case No.38 of 2020 by the trial court in terms of the order dated 17.04.2021 passed in A.B.A. No.1638 of 2021 passed by this Court be cancelled.

Learned senior counsel for the opposite party No.2 vehemently oppose the prayer to cancel the bail granted to the opposite party No.2 in connection with Ramgarh Mahila P.S. Case No.38 of 2020 by the trial court in terms of the order dated 17.04.2021 passed in A.B.A. No.1638 of 2021 passed by this Court and submits that nowhere in the condition of bail has it been mentioned that the opposite party No.2 has to solemnize marriage with the petitioner. It is next submitted that at best, an agreement, if any, entered into between the parties will give rise to a cause of action for a civil dispute but certainly in the absence of allegation of misuse of bail granted to the opposite party No.2, the bail granted to

the opposite party No.2 ought not be cancelled. Hence, it is submitted that the anticipatory bail granted to the opposite party No.2 in connection with Ramgarh Mahila P.S. Case No.38 of 2020 by the trial court in terms of the order dated 17.04.2021 passed in A.B.A. No.1638 of 2021 passed by this Court ought not be cancelled.

Having heard the submissions made at the Bar and after carefully going through the evidence in the record, it is pertinent to mention that as cancellation of bail interferes with the liberty already secured by the accused, hence, the grounds for cancellation of bail broadly are:-

- (a) interference or attempt to interfere with the due course of administration of justice; or
- (b) evasion or attempt to evade the course of justice; or
- (c) abuse of the liberty granted to him;
- (d) the possibility of the accused absconding, as has been held by the Hon'ble Supreme Court of India in the case of **Raghubir Singh & Others Vs. State of Bihar** reported in **(1986) 4 SCC 481**.

There is no allegation against the opposite party No.2 of interfering with the due course of justice or attempting to interfere with the due course of administration of justice or attempting to evade the course of justice or abusing of the liberty granted to him.

Considering the aforesaid facts, this Court is of the considered view that there is no justifiable reason to cancel the bail granted to the opposite party No.2 in connection with Ramgarh Mahila P.S. Case No.38 of 2020 by the trial court in terms of the order dated 17.04.2021 passed in A.B.A. No.1638 of 2021 passed by this Court.

Accordingly, this petition, being without any merit, is rejected.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)