

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M.P. No.472 of 2020

Rishikesh Kumar @ Rishikesh Mishra ... Petitioner
Versus

1. The State of Jharkhand
2. Ravi Kant Mishra
3. Sashi Kant Mishra @ Shashi Kant Mishra

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. J. S. Tripathi, Advocate
For the State : Mr. P. D. Agrawal. A.P.P.
For the O.P. Nos.2 & 3 : Mrs. Rita Kumari, Advocate

Order No.06 Dated- 26.03.2021

Heard the parties through video conferencing.

This criminal miscellaneous petition has been filed by the petitioner with a prayer to cancel the bail granted to the opposite party Nos.2 and 3 by this Court vide order dated 14.01.2020 passed in A.B.A. No.9177 of 2019.

It is submitted by the learned counsel for the petitioner that vide order dated 14.01.2020 passed in A.B.A. No.9177 of 2019, the opposite party Nos.2 and 3 were given the privileges of anticipatory bail by this Court. Mr. J. S. Tripathi-learned counsel for the petitioner submits that the opposite party Nos.2 and 3 of this case have not paid a little less than Rs.34,10,000/- to the petitioner but Mr. Tripathi Headley submits that as mentioned in the order dated 14.01.2020 passed in A.B.A. No.9177 of 2019, the petitioner of this case has admitted in F.I.R. of receiving Rs.8,90,000/-, Rs.7,90,000/-, Rs.40,000/- and Rs.16,90,000/- and the total of the same comes to Rs.34,10,000/-. Hence, it is submitted that the bail granted to the opposite party No.2 be cancelled.

It is pertinent to mention here that it is a principle of law that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above

grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to, as has been held by the Hon'ble Supreme Court of India in the case of *Raghubir Singh v. State of Bihar*, (1986) 4 SCC 481.

Considering the facts of this case, in absence of any allegation against the petitioner of misusing any condition of bail, this Court is of the considered view that there is no justifiable reason to cancel the bail granted to the opposite party Nos.2 and 3 by the trial court in terms of the order dated 14.01.2020 passed in A.B.A. No.9177 of 2019 by this court.

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

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)