

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50345 of 2014

Arising Out of PS.Case No. -10 Year- 2014 Thana -NARDIGANJ District- NAWADA

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Dhiraj Singh @ Dhiraj Kumar Prabhakar son of Sri Mahendra Prasad Singh
resident of village - Pachhiaridih, P.S. Muffasil, District - Nawada,
presently residing at New Area Ward No. 7, Near Nataraj Cinema, P.S.
Town, District – Nawada.

.... Petitioner/s

Versus

The State of Bihar .

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Mishra, Adv

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.P.P)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

6 05-08-2015 Heard learned counsel for the parties.

2. Reference in this connection be first made to the
earlier order of this Court dated 30.7.2015 which reads as
follows:-

"Having regard to the fact that the petitioner in
his bail application in para-3 has given a statement
that there is no criminal antecedent whereas in the
case diary, three cases are said to be pending against
him, it would direct the deponent of the bail
application, namely, Mahendra Prasad Singh, the
father of the petitioner, to show cause as to why he
should not be held guilty of committing perjury. Said
Mahendra Prasad Singh is directed to appear in person
on next Wednesday i.e. 05.08.2015 along with his
show cause



3. Pursuant to the earlier order of this Court dated 30.07.2015, not only Mahendra Prasad Singh, the deponent of the application filed by the petitioner for grant of anticipatory bail has appeared in person but has also given his explanation and very frankly accepted his mistake as with regard to swearing of false affidavit concerning the criminal antecedent of the petitioner.

4. This Court would accordingly warn aforesaid Mahendra Prasad Singh, the deponent of the affidavit in support of the bail application to remain very careful in future in swearing any affidavit before any Court of law. It is only because of his old age this Court has spared him from taking any action under Section 340 Cr.P.C..

5. The personal appearance of Mr. Mahendra Prasad Singh, is, accordingly, dispensed with.

6. This Court, however having taking into account not only the criminal antecedent of the petitioner of his being at least accused in more than three cases as mentioned in paragraph no. 10 of the show cause reply filed today by Mr. Mahendra Prasad Singh, as well as taking into

consideration the seriousness of allegations being faced by the petitioner for the offences punishable under Sections- 376 and 511 of the Indian Penal Code, in this case, is not inclined to grant the privilege of anticipatory bail to the petitioner specially when there was an attempt by him to dupe this Court by giving a false statement as with regard to his criminal antecedent.

7. The prayer for anticipatory bail of the petitioner is, accordingly, rejected.

8. Nothing said in this order, however, will come in the way of the petitioner in surrendering before the Court below and seeking regular bail.

(Mihir Kumar Jha, J)

Ranjan/-

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