

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55390 of 2015

Arising Out of PS.Case No. -14 Year- 2014 Thana -PARSA District- SARAN

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1. Arun Kumar son of Ram Sagar Rai, resident of Village- Hariharpur Rajauli, Police Station- Hajipur, District- Vaishali, the Circle Officer cum Supply Officer, Parsa, District- Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar Singh son of Harbansh Narayan Singh, resident of Mohalla- Ashok Nagar, Police Station- Kankarbagh, District- Patna.

.... Opposite Party/s

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with

Criminal Miscellaneous No.55033 of 2015

Arising Out of PS.Case No. -14 Year- 2014 Thana -PARSA District- SARAN

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1. Arun Kumar Son of Ram Sagar Rai resident of village - Hariharpur Rajauli, Police Station Hajipur, Disttict - Vaishali, the Circle Officer Cum Supply Officer, Parsa, District - Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar
2. Gorakh Singh @ Gorakh Nath Singh Son of Late Ramashish Singh resident of village - Saidpur Dighwara, Police Station Dighwara, District - Saran (Chapra)

.... Opposite Party/s

Appearance :

(In both cases)

For the Petitioners	:	Mr. Bashishtha Narayan Mishra, Advocate
For the State	:	Mr. Tapeswar Sharma(App)
For opposite party no.2		Mr. N.K.Agarwal, Sr. Advocate
		Mr. D.N.Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

05/ 24.08.2016 Two separate show causes are filed on behalf of the opposite party no.2, namely, Gorakh Singh @ Gorakh Nath Singh as well as Ajay Kumar Singh. Let them be kept on record.

Heard learned counsel for the petitioner as well as learned counsel for the opposite parties.

Petitioner has preferred both the above stated petitions for cancellation of bail granted to opposite parties in connection with Parsa P.S. Case no. 14/2014 vide order dated 6.7.2015 passed in Cr. Misc.no.12641/2015 and analogous case on the ground that both opposite parties suppressed their antecedent and by playing fraud got order in their favour.

Learned counsel appearing for the petitioner submits that opposite party no.2, namely, Gorakh Singh @ Gorakh Nath Singh had two cases but the aforesaid cases were not disclosed when the said Gorakh Singh @ Gorakh Nath Singh filed Cr. Misc.no. 15228/2015 and similarly, opposite party no.2, namely, Ajay Kumar Singh also did not disclose his antecedent in the above stated Cr. Misc.no. 12641/2015.

Submission on behalf of the opposite parties is that no doubt, prior to institution of Parsa P.S. Case no. 14/2014, opposite party no.2, namely, Gorakh Singh @ Gorakh Nath Singh was made accused in two cases i.e. Dighwara P.S. Case no. 116/2003 as well as Dighwara P.S. Case no. 99/2008 but in Dighwara P.S. Case no. 116/2003 after due investigation, police submitted final form which was accepted and protest petition was also dismissed by the concerned court and similarly, in Dighwara P.S. Case no. 99/2008 said opposite party no.2, namely, Gorakh Singh @ Gorakh Nath Singh was acquitted vide judgment dated 14.11.2014 passed in trial no. 1899/2014 and that was the reason, opposite party no.2, namely,





Gorakh Singh @ Gorakh Nath Singh did not mention the aforesaid cases in Cr. Misc.no. 15228/2015. It is further submitted that so far as opposite party no.2, namely, Ajay Kumar Singh is concerned, he was made accused in Sonapur P.S. Case no. 40/2008 and Muzaffarpur P.S. Case no. 30/2014 prior to institution of Parsa P.S. Case no. 14/2014 and due to inadvertence factum of institution of the aforesaid cases was left to be typed in Cr. Misc.no.12641/2015 but before passing the order dated 6.7.2015 in Cr. Misc.no.12641/2015 and analogous case, supplementary affidavit was filed on behalf of the opposite party no.2, namely, Ajay Kumar Singh in Cr. Misc.no.12641/2015 giving detail of his antecedent and, therefore, it is wrong to say that there was suppression of fact and fraud was played with the concerned court.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I do not find any ground to cancel the bail granted to opposite parties vide order dated 6.7.2015 passed in Cr. Misc.no.12641/2015 and analogous case and accordingly, both above stated petitions stand dismissed.

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(Hemant Kumar Srivastava,J)

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