

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40250 of 2014

Arising Out of PS.Case No. -465 Year- 2013 Thana -MAHUA District- VAISHALI(HAJIPUR)

Ashok Singh son of late Ramdani Singh, resident of At Mahua Singh Ray (West),
P.S. Mahua, District Vaishali

.... Petitioner/s

Versus

1. State of Bihar

2. Ram Lalit Rai, son of late Saryug Rai, resident of Village Mahua Singh Ray,
P.S. and P.O. Mahua, District Vaishali

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 03-08-2016

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present application has been filed for cancellation
of bail granted to the opposite party no. 2 on 17.07.2014 in Cr.
Misc. No. 25307 of 2014.

In view of the observation made by the Court and the
submission of learned counsel for the petitioner that he has made

false submissions before the Court for the purpose of taking benefit, the Court had issued notice to the opposite party no. 2 by order dated 30.03.2016. Notice has been personally received by opposite party no. 2 on 04.05.2006 but neither he has appeared nor is there any representation on his behalf.

Under the circumstances, the Court can only presume that he has neither anything to place before the Court nor to controvert the averments made in the application to the effect that patently wrong submission was made on 17.07.2014 before the Court that the victim girl was living in the matrimonial home since on that date she was in the Short-term House.

As fraud vitiates everything and in the present case, there being fraud committed on the Court for the purpose of securing bail, which has not been controverted despite notice being given to the opposite party no. 2, the order should not be allowed to continue and purity in judicial proceeding has to be maintained. Thus, the order dated 17th July, 2014 in Cr. Misc. No. 25307 of 2014 needs to be recalled.

For the reasons aforesaid, the application stands allowed. The order dated 17th July, 2014 in Cr. Misc. No. 25307 of 2014 granting bail to the opposite party no. 2 in Mahua P.S. Case No. 465 of 2013 stands recalled and Cr. Misc. No. 25307 of 2014

stands dismissed.

The opposite party no. 2 shall surrender before the Court below latest by 20th August, 2016, failing which the Court below shall inform the Superintendent of Police, Vaishali who shall ensure that the opposite party no. 2 is taken into custody and produced before the Court for being remanded to judicial custody. Both the Court below as well as the Superintendent of Police, Vaishali shall ensure strict compliance of the order. In the event the opposite party no. 2 is not taken into judicial custody by 31st August, 2016, the petitioner shall be at liberty to file an appropriate application before this Court for necessary orders.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
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