

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 4198 of 2016

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Nagina Rai Son of late Chulhai Rai R/o Sipara, P.S. Beur, Distt Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Opposite Party/s : Mr. Ram Chandra Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 29-11-2017 This matter has been listed under the heading “To Be
Mentioned”.

It would appear from perusal of the record that petitioner, Nagina Rai, son of late Chulhai Rai of Village-Sipara, P.S. Beur, District Patna was granted bail by this court on 25.02.2016 and at para-2 of the bail petition, it was averred that prior to filing of Cr. Misc. No. 4198 of 2016, neither anticipatory nor regular bail had been filed on behalf of the petitioner, Nagina Rai. This court having considered the materials available on the record granted bail to the petitioner, Nagina Rai vide order dated 25.02.2016. However, it appears that subsequently, some other accused of Beur P.S. Case No. 155 of 2013 filed bail petitions which were listed before a co-ordinate Bench of this court and



then it was detected that forged F.I.R. and impugned order had been placed before this court not only in Cr. Misc. No. 4198 of 2016 but also in some other criminal miscellaneous cases and thereafter, the co-ordinate Bench of this court directed the Registrar Vigilance of this court to enquire into the matter. The Registrar Vigilance having enquired the matter submitted his report dated 07.06.2016 before the concerned Bench and at para-7 of the aforesaid report, the Registrar Vigilance noted down in respect of Cr. Misc. No. 4198 of 2016 mentioning this fact that stamp reporting in aforesaid Cr. Misc. No. 4198 of 2016 had been done in respect of Beur P.S. Case No. 55 of 2013 but the page of stamp reporting attached with the petition was found to be fake and apart from this it was also found that prior to filing of present Cr. Misc. No. 4198 of 2016, petitioner had filed criminal miscellaneous for grant of bail which was rejected by a co-ordinate Bench of this court vide order dated 29.10.2015 passed in Cr. Misc. No. 22655 of 2015 but the aforesaid fact has been suppressed by the petitioner at para-2 of this petition. However, on the direction of a co-ordinate Bench of this court, a criminal case has already been lodged by the Central Bureau of Investigation and the investigation is still pending.

Since a fraud has been played upon this court, there is



no need of issuance of any show cause notice to petitioner before cancellation of his bail.

Therefore, in the aforesaid circumstance, bail granted to the petitioner, Nagina Rai vide order dated 25.02.2016 in connection with Beur P.S. Case No. 155 of 2013 is, hereby, recalled. The learned court below is directed to take effective steps to procure the remand of the petitioner in judicial custody, if he has not already been remanded in the custody.

Let a copy of this order be sent to the concerned court immediately for needful.

(Hemant Kumar Srivastava, J)

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