

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31782 of 2016

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1. Kriti Kumar @ Kirti Kumar son of Late Mahesh Prasad resident of Village- Butanbari, Sahebganj, P.S. Chapra Town, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 23.08.2016

Supplementary affidavit is filed on behalf of the petitioner.

Let it be kept on record.

Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

This modification petition has been filed for modification of order dated 14.07.2016 passed in Cr. Misc.no.28313/2016 by which petitioner was granted bail in Chapra Nagar (Town) P.S. Case no. 282/2015 subject to some conditions and one of the conditions was to file an affidavit before the court below disclosing this fact that he is not an accused in any other case of similar nature and if it is found that he is accused in other case of similar nature, he shall not be released on bail.

Learned counsel for the petitioner submits that Chapra Town (Nagar) P.S. Case no. 332/2015 was registered on 22.9.2015 on the basis of complaint case filed by one Tej Narain Singh but the aforesaid fact was not in the knowledge of the petitioner and that was

the reason, he did not disclose about institution of the aforesaid case in para 3 of Cr. Misc.no.28313/2016 but when he got bail in Chapra Nagar (Town) P.S. Case no. 282/2015 and intended to furnish bail bonds, the factum of institution of Chapra Town (Nagar) P.S. Case no. 332/2015 came to his knowledge and that is why he has filed the present modification petition for deletion of the above stated condition.

From perusal of FIR of Chapra Nagar (Town) P.S. Case no. 282/2015, it would appear that the aforesaid case was lodged by the informant Tej Narain Singh for the offences punishable under sections 120B, 420, 467, 471/34 of the Indian Penal Code and similarly, Chapra Town (Nagar) P.S. Case no. 332/2015 was lodged by the same Tej Narain Singh for the offences punishable under sections 406, 420, 467, 468, 471, 120B of the Indian Penal Code. The aforesaid fact, prima facie, goes to show that the petitioner intentionally suppressed the factum of institution of Chapra Town (Nagar) P.S. Case no. 332/2015 while filing Cr. Misc.no.28313/2016 and, therefore, I am not inclined to give any relief to the petitioner in this modification petition. Accordingly, this modification petition stands dismissed.

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(Hemant Kumar Srivastava,J)

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