

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21707 of 2017

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1. Arjun Paswan, Son of Late Jamun Paswan
2. Ram Chandra Paswan, Son of Late Gango Paswan,
3. Shankar Paswan, Son of Late Sukha Paswan, All are Resident of Village-
Bhatgama, P.S.- Dalsingsarai (Ghatho), District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 03-05-2017 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

The learned counsel for the petitioners submits that the petitioners were granted anticipatory bail vide order dated 10.02.2017, passed in Cr. Misc. No.3293 of 2017. The First Information Report against the petitioners vide Dalsinghsarai (Ghatho) P.S. Case No.233 of 2016 was registered under Sections 147, 148, 149, 307, 323, 341, 379, 448, 504 and 506 of the Indian Penal Code. The injury on the person of the informant was simple in nature, there was case and counter case and considering that submissions, petitioners were granted anticipatory bail but lthe informant had died after lodging of case and Section 302 of the Indian Penal Code was added on 22.01.2017, but due to ignorance on the part of the counsel for the petitioners, it could not be



submitted nor any supplementary affidavit was filed before hearing of Cr. Misc. No.3293 of 2017 so the petitioners seeks unqualified apology in this matter and prays for modification of order dated 10.02.2017 by extending the period of surrender in the court below.

The learned Additional Public Prosecutor appearing on behalf of the State submits that it amounts to suppression of the fact.

It is a petition filed under Section 482 Cr.P.C. It is apparent from the submission that the petitioners obtained bail by suppression of fact as already Section 302 of the Indian Penal Code was added in the First Information Report but that fact was neighter brought to the notice of the court nor the anticipatory bail petition was modified by filing supplementary affidavit, therefore, for suppression of vital fact the anticipatory bail granted to the petitioners by order dated 10.02.2017, passed in Cr. Misc. No.3293 of 2017 is hereby cancelled in order to meet end of justice. Petitioners are directed to surrender before the court below and seek regular bail and the same shall be disposed of on merit.

The petition filed by the petitioners stands disposed of.

(Arun Kumar, J.)

AnilKrSinha/-

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