

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1165 of 2017

Arising Out of PS.Case No. -196 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Ganesh Mandal alias Ganesh Prasad Mandal, Son of Late Ram Kishun Mandal, resident of Village- Bari Khanjarpur (Koeri Tola) P.S. Kotwali (Barari), District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 15-02-2017 Heard both sides.

The petitioner apprehends his arrest in Kotwali (Barari) P.S. Case No.196 of 2016 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

Mr. Manohar Prasad Singh, the learned for the petitioner, submits that the prayer for anticipatory bail of the petitioner was earlier rejected vide order dated 24.11.2016 passed in Cr.Misc.No.39646 of 2016 on the ground that the petitioner has got criminal antecedent and this fact has not been mentioned in paragraph 3 of the bail petition. It is further submitted that it is true that the learned lawyer appearing on behalf of the petitioner



could not ascertain the facts of the criminal antecedent of the petitioner and, therefore, he did not mention about the criminal antecedent of the petitioner in paragraph 3 of the bail petition. The petitioner is a practicing advocate and, therefore, he may be granted anticipatory bail.

Perused the records. I find that the prayer for anticipatory bail of the petitioner was earlier rejected on this ground alone that the petitioner knowingly and deliberately concealed the facts of his criminal antecedent and mentioned the fact that the petitioner has got fair antecedent in paragraph 3 of the bail petition. The fact remains that the petitioner has got criminal antecedent.

It is submitted that the petitioner has got only four criminal cases pending and not 12 cases as submitted at the time of hearing of first bail petition.

Be that as it may, since the petitioner has concealed the fact of his criminal antecedent and did not mention this fact in the bail petition filed earlier, I am not inclined to enlarge the petitioner above named on anticipatory bail.

Accordingly, the same is rejected.

The petitioner, if so advised, may surrender in the court below within four weeks from the date of receipt/production



of a copy of this order and pray for regular bail, on such, the court below shall consider the payer for regular bail of the petitioner on its own merit without being prejudiced by this order and dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J)

Arvind/-

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