

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50467 of 2016

Arising Out of PS.Case No. -23 Year- 2015 Thana -BHIMPUR District- SUPAUL

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1. Laliya Devi, Wife of Chandra Dev Paswan, resident of Village Kewla, Ward No. 1, P.S. Bhimpur, District-Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gajendra Mehta, son of Late Bhuneshwar Mehta.
3. Birendra Mehta @ Birendra Kumar Mehta, son of Gajendra Mehta.
4. Pawan Mehta, son of Satya Narain Mehta.
5. Jitendra Mehta, son of Ghuran Mehta.
6. Sanjiv Mehta @ Sanjiv Kumar Suman, Son of Ghuran Mehta.
7. Biran Mehta, son of Nunulal Mehta.
8. Saryug Mehta, son of Late Bhagwat Mehta.
9. Pramod Mehta, son of Dhukhai Mehta.
10. Brajendra Mehta @ Balendra Mehta, son of Awadh Mehta,
11. Krityanand Mandal, son of Basudeo Mandal,
All are residents of Village- Kewala, P.S. Bhimpur, District-Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Choudhary
For the State : Mr. Narendra Kumar Singh
For O.P. Nos. 2-11 : Mr. Arun
Mr. Sanjay Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

4 01-03-2017 Heard learned Counsel for the parties
concerned.

The petitioner seeks cancellation of bail,
granted to Opposite Party Nos. 2 to 11, by order, dated



08.12.2015, passed, by this Court, in Criminal Misc. No. 55050 of 2015.

The main ground for seeking cancellation of bail is that the opposite parties had suppressed a material fact that they had criminal antecedent in their application seeking anticipatory bail. The averments to this effect have been made in paragraph nos. 7 and 8 of the application. The statement made in paragraph no. 7 relates to Opposite Party No. 11, Krityanand Mandal, who is said to have been implicated in Bhimpur Police Station Case No. 44 of 2014, registered for the offences punishable under Sections 224, 225, 353, 120-B read with Section 34 of the Indian Penal Code. In the said case, the Opposite Party No. 11 was on police bail, as has been contended on his behalf.

Considering the facts and circumstances, particularly, the fact that there is no allegation of misuse of privilege of bail granted to Opposite Party No. 11, I am not inclined to accede to the plea for cancellation of his bail.

So far as Opposite Party No. 7 is concerned, learned Counsel for the opposite parties has submitted that he was acquitted after full fledged trial arising out of Bhimpur Police Station Case No. 02 of 2004, in November, 2016.

The fact remains that while seeking anticipatory



bail, he suppressed the material fact from this Court that he was being tried for offence punishable under Section 395 of the Indian Penal Code.

In that view of the matter, the prayer for cancellation of bail of Opposite Party No. 7 is concerned, the same is allowed.

The anticipatory bail granted to Opposite Party No. 7, Biran Mehta, by virtue of the order, dated 08.12.2015, passed in Criminal Misc. No. 55050 of 2015, is cancelled on account of suppression of material fact at the time of seeking anticipatory bail.

The bail bonds furnished by him are accordingly cancelled. He is directed to appear before the learned Court below within four weeks from today, failing which steps shall be taken for his arrest and production before the Court.

This application is, thus, partly allowed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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