

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47353 of 2016

Arising Out of PS.Case No. -99 Year- 2015 Thana -KISHUNPUR District- SUPAUL

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1. Md. Khalid Imam son of Md. Ahle Imam, Resident of Vill- Bela Tedha,
P.S.- Kishunpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Rahman son of Md. Sakhawat, resident of Vill- Bagrauli, P.S.-
Bihra, District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Pandey, Advocate
For the Opposite Party/s : Mr. Panchanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 19-07-2017 The present application has been filed for

cancellation of bail of the Opposite Party No.2, who was granted

bail by order dated 3.8.2016 vide Cr.Misc.No.23000 of 2016 in

connection with Kishanpur P.S. case No.99 of 2015 pending in the

court of Chief Judicial Magistrate, Supaul, on the ground that the

petitioner had made incorrect submission with regard to the

criminal antecedents.

The bail was granted to the petitioner taking into

further considerations that the name of the petitioner had figured

in the present case on the basis of suspicion and there was no

circumstantial evidence to suggest his implication in the present

case nor there was any eye witness to the alleged occurrence.

A show cause has been filed on behalf of the

Opposite Party No.2. In paragraphs No.5 and 6 of the show cause,



it has been stated as follows :

“5. That it is submitted that by filing the instant Show Cause the Opposite Party No.2 begs to submit before this Hon’ble Court that the pairvikar of the bail application bearing Cr.Misc.No.23000/2016, is the father in law of the Opposite Party No.2, and had no knowledge that, the Opposite Party No.2 has been made an accused in two other cases also, as the Opposite Party No.2 was in jail.

6. That it is submitted that infact the Opposite Party No.2 was in custody, whereas other family members have not asserted about the pendency of criminal cases against the Opposite Party No.2 and hence inadvertently due to lack of knowledge it was submitted in Para 3 of the petition that the petitioner had no criminal antecedent.”

Taking into considerations the submissions made on behalf of the Opposite Party No.2, I find no reason to interfere with the order of the bail granted to the Opposite Party No.2.

The present application stands dismissed.

(Sudhir Singh, J)

Narendra/-

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