

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3192 of 2017

Arising Out of PS.Case No. -55 Year- 2016 Thana -PARAIYA District- GAYA

=====

Sheo Shankar Prasad, Son of late Bhuneshwari Yadav, Resident of Iguni,
P.S. Paraiya, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramashish Yadav, Son of Vijay Yadav
3. Yugal Yadav @ Jugal Yadav, Son of Bajrangi Yadav
4. Kanahai Yadav, Son of Bajrangi Yadav
5. Manish Yadav, Son of Vijay Yadav
All are residents of Village- Iguni, Police Station- Paraiya, District- Gaya.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh
For the Opposite Party/s : Mr. Sri Chaubey Jawahar

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 10-05-2017 This application has been filed to cancel the anticipatory bail granted to the opposite party nos.2 to 5 in connection with Paraiya P.S. Case No.55 of 2016 on the ground that the anticipatory bail was obtained by suppression of fact and playing fraud on the Court.

Submission of the petitioner is that after death of injured offence under Section 302 I.P.C. was ordered to be added in the FIR on the prayer of the I.O. and the learned Magistrate allowed the prayer by order dated 10.05.2016. The bail application was filed after the aforesaid addition. Therefore, the petitioners should have pointed out in the bail petition that offence under



Section 302 I.P.C. has also been added.

To counter the aforesaid submission, learned counsel for the opposite party nos. 2 to 5 submits that addition of Section 302 I.P.C. was not recorded in the formal FIR. The petitioners obtained the certified copy of the FIR on 24.6.2016 after addition of Section 302 I.P.C. Therefore, they had no knowledge of the order of addition of Section 302 I.P.C. This may be a case of bona fide mistake. He further submits that in the impugned order it is mentioned that the injured died subsequently but the date of death is not mentioned therein.

This Court had granted the anticipatory bail to the opposite party nos.2 to 5 considering the general and omnibus allegation of commission of assault and theft.

In my view, this is not a case of deliberate suppression of fact. Hence, there is no reason to review the earlier order granting anticipatory bail. Accordingly, this application stands dismissed.

Arvind/-

(Birendra Kumar, J)

U		T	
---	--	---	--

