

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5838 of 2018

Arising Out of PS.Case No. -254 Year- 2017 Thana -RAJPUR District- BUXAR

=====

Sanjay Rai @ Budha Rai & Ors

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.15338 of 2018

Arising Out of PS.Case No. -254 Year- 2017 Thana -RAJPUR District- BUXAR

=====

Bhupendra Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.5838 of 2018)

For the Petitioner/s : Mr. Ajit Kumar, Advocate.

For the Opposite Party/s : Smt. Asha Devi, A.P.P.

(In Cr.Misc. No.15338 of 2018)

For the Petitioner/s : Mr. Jay Prakash Singh, Advocate.

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 27-03-2018 From the Stamp Report in (Cr. Misc. 15338 of 2018)

it appears that petitioner has already moved for anticipatory bail in Cr. Misc. 5838 of 2018 which is pending in this Court. Therefore, the counsel was directed to clarify as under what circumstances, the petitioner filed this anticipatory bail application.

The Office was directed vide order dated 19.03.2018 to submit report which has been received and kept at Flag-X. The office has mentioned in its report that in earlier filed petition vide



token No. 5571 (Cr. Misc. No. 15338 of 2018), learned counsel had not mentioned regarding earlier movement of regular bail or anticipatory bail, but the computer generated chart of that case showed the earlier movement of anticipatory bail and that defect was pointed out by Stamp Report in that case i.e. Cr. Misc. No. 15338 of 2018. In connection with the second bail petition bearing Token No. 7226 (Cr. Misc. No. 5838 of 2018) the same was reported defect free earlier on 25.01.2018 than Token No. 5571(Cr. Misc. No. 15338 of 2018).

Learned counsel for the petitioners of Cr. Misc. 5838 of 2018 has submitted that he wants to withdraw this petition. But learned counsel for the petitioner of Cr. Misc. 15338 of 2018 has submitted that he wants to press the petition.

This Court from report of the office kept at Flag-‘X’ finds that wrong statement has been made by the petitioners in the bail petition by suppressing the material facts as mentioned in detail in the report of office. This Court finds from the report of office that serious misconduct has been committed by parties in both the petitions by suppressing the material facts. The Court is however not taking any action against the lawyer. The Court is only dismissing the petition of petitioners.

Therefore, this petition i.e. (Cr. Misc. 5838 of 2018)



as well as Cr. Misc. 15338 of 2018 are dismissed. The petitioners are directed to surrender before the court below and make prayer for regular bail which shall be considered by the court below in accordance with law without being prejudiced by this order.

Let this order be communicated to the learned Additional Chief Judicial Magistrate-VII, Buxar, in connection with Rajpur P.S. Case No. 254 of 2017.

(Sanjay Priya, J)

S.Ali/-

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

