

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57351 of 2018

Arising Out of PS. Case No.-343 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

Rabi Prakash Sah @ Pappu Sah, S/o Late Shyam Sundar Sah, R/o Vill.-
Jagdishpur, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devi Das Srivastava
For the Opposite Party/s : Mr. Manish Kumar 2

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 31-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 419, 420, 467, 468, 471, 327, 323, 504, 506/120(B) of the Indian Penal Code.

The entire allegation against the petitioner arises out of an agreement to sale between the parties and non-performance of the agreement.

However, irrespective of the nature of material, I am not inclined to entertain this prayer for anticipatory bail for the reason that the petitioner has been found to have suppressed the material fact about this case regarding his criminal antecedents, rather false statement was made before the Court



that the petitioner has got no criminal antecedent, vide, Para 3 of the bail petition.

The son of the petitioner is deponent of the case and he is specific that since he is son of the petitioner, he is well acquainted with the facts and circumstances of the case.

When the informant appeared and raised objection that three criminal cases are pending against the petitioner, thereafter, in reply to that a supplementary affidavit was filed on behalf of the petitioner on 11.10.2018, stating the fact that the petitioner is an accused in connection with Jagdishpur Police Station Case No.53 of 2006, wherein petitioner is on bail since 11.05.2006 and Jagdishpur Police Station Case No.39 of 2006, wherein petitioner is also on bail granted by the court below. The deponent has stated that due to bona fide mistake and ignorance for the reason that deponent, *Shubham Kumar*, who is a student of engineering, studying at present in *Galgotia College of Engineering and Technology, Greater Noida (U.P.)* usually resides at Noida, criminal antecedent could not be disclosed. Hence, under bona fide mistake he has not disclosed the criminal cases against the petitioner.

At this stage, the Court has two options, either to lodge a criminal case against the deponent for making false



statement before the Court, or to refuse the prayer for anticipatory bail to the petitioner for making wrong statement before the Court.

For substantial justice, the Court has opted for the latter and accordingly, prayer for anticipatory bail to the petitioner is, hereby, refused in connection with Jagdishpur Police Station Case No.343 of 2018.

Petitioner may surrender within three weeks and pray for regular bail.

(Birendra Kumar, J)

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