

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37353 of 2018

Arising Out of PS. Case No.-114 Year-2017 Thana- PARAIYA District- Gaya

Shankar Kumar s/o late Rampravesh Yadav, r/v- Prabhuya, P.S.- Paraiya,
District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ranjan Yadav @ Gaya Yadav, s/o Ramdeo Yadav
3. Kishundeo Yadav @ Krishnadeo Yadav, s/o Rambriksh Yadav
Both r/v- Prabhuya, P.S.-Paraiya, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravinder Kumar Sharma, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 28-11-2018 This application is for cancellation of bail granted to the opposite party no. 2 and 3 vide order dated 16.01.2018 passed in Cr. Misc. No. 55628/2017 in connection with Paraiya P.S. Case No. 114/17.

The cancellation has been sought for only on the ground that Opposite party no. 2 and 3 suppressed deliberately their criminal antecedent while making prayer for bail in Cr. Misc. 55628/2017 and in para 3 stated that petitioners are not accused in any other case.

Contention is that Ramdeo Yadav is father of opposite party no. 2. Ranjan Yadav, who had sworn affidavit in the bail application and Ramdeo Yadav is co-accused with opposite



party no. 2 in connection with Paraiya P.S. Case No. 114/2017 vide Annexure-1. Therefore, there is no merit in the show-cause of the opposite parties that due to inadvertence the criminal antecedent was not disclosed in the bail matter. Illiteracy of the father of opposite party no. 2 cannot come in the way in making specific averment that opposite party no. 2 has got no criminal antecedent.

While granting bail to opposite party no. 2 and 3 this court had not considered the criminal antecedent rather on merit of the case bail was granted. However, suppression of fact by opposite party no. 2 and 3 is serious matter and a ground to cancel the bail granted to opposite party no. 2 and 3.

After hearing the parties, the bail granted to opposite party no. 2 and 3 vide Annexure-1 stands cancelled, they are directed to surrender within three weeks before the court below. Accordingly, this application is allowed.

(Birendra Kumar, J)

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