

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53958 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -NAUGACHHIYA RAIL P.S. District-
KHAGARIA

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Sudhir Kumar Mahto @ Jarla @ Sudhir Kumar, Son of Laljee Mahto,
Resident of Village- Rudouli, Police Station- Bachchwara, District-
Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP 113

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

3 08-10-2018 Heard learned counsel for the petitioner and learned A.P.P.
representing the State.

The petitioner, in the present case, is seeking anticipatory
bail in connection with Naugachia Rail P.S. Case No. 01 of 2018,
registered for offences alleged under Sections 379 and 511 of the
Indian Penal Code and under Sections 137 and 147 of the Indian
Railway Act.

After some arguments, realizing that the deponent of the
petition is not providing true and correct fact regarding the
criminal history of the petitioner, learned counsel for the petitioner
seeks permission to withdraw this application.

Learned A.P.P. for the State has pointed out that there are as



many as 11 cases registered in the Rail Police Station, Barauni against this petitioner but in Paragraph No. 3 she has disclosed about only one case and non of these 11 cases have been disposed off.

Prima facie, this seems to be a case of suppression of material fact, however, considering that the deponent of the case seems to be an illiterate lady and the Lawyer representing the petitioner has not been properly instructed, this Court is not willing to proceed against the deponent but there will be a warning for the deponent to ensure that in future no such suppression is found in her deposition failing which appropriate action shall be taken against her.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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