

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52062 of 2017

Arising Out of PS. Case No.-3 Year-2017 Thana- SHIVSAGAR District- Rohtas

Sanjay Kumar Pandey S/o Late Umesh Kumar Pandey, R/o Village- Alampur,
P.S.- Shiv Sagar (Baddi O.P.), District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Arun Singh @ Arun Kumar Singh, S/o Rang Bahadur Singh,
3. Hare Ram Singh S/o Late Ramuna Mahto,
4. Prem Chand Singh, S/o Harbansh Singh, Sl. No.2 to 4 are R/o Village-
Alampur, P.S.- Shiv Sagar (Baddi O.P.), District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choubey Jawahar
For the Opposite Party/s : Mr. Md. Ansarul Haque

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 07-02-2018 Heard learned counsel for the petitioner and the State.

This application has been filed for cancellation of anticipatory bail granted to the opposite party nos. 2 to 4 by this court vide order dated 22.09.2017 passed in Cr. Misc. No. 35220 of 2017

Learned counsel for the petitioner has submitted that opposite party nos.2 to 4 has concealed the fact by giving a false affidavit in para 3 of the bail petition before this Court at the time of grant of anticipatory bail on 22. 09. 2017 passed in Cr. Misc. no. 35220 of 2017. The informant-petitioner was given liberty by this Court in the order to raise the points subsequently by filing a petition if the statements given by the opposite party nos. 2 to 4 was found to be false.

In pursuance of that liberty, the petitioner has filed this petition



for cancellation of anticipatory bail of opposite party nos.2 to 4 stating that opposite party nos. 2 to 4 are accused in other criminal case also. It has been submitted that opposite party no.2 to 4 are accused in Shiv Sagar (Baddi O.P.) P.S. case no. 75 of 1997 for the offences under Sections 147, 148, 149, 302, 448, 307, 324, 120(B) and 201 of the I.P.C. and Section 27 of the Arms Act. Opposite party no.2 to 4 are also accused in Shiv Sagar (Baddi O.P.) P.S. case no. 181 of 2015 for the offences under Sections 427, 440, 506 and 24 of the IPC in which they have after breaking the boundary wall forcibly entered in the field of the petitioner. Opposite party no. 4 is also accused in Shiv Sagar (Baddi O.P.) P.S. case no. 188 of 2015 for the offence under Sections 341, 323, 325, 307, 427 and 506/34 of the I.P.C. Opposite party no. 4 is also accused in Shiv Sagar (Baddi O.P.) P.S. case no. 123 of 2014 under Sections 447 and 427/34 of the I.P.C. A photo copy of F.I.R. of all those cases have been enclosed as Annexure(s) 3 to 6 to this bail petition.

Learned counsel for the opposite party nos.2 to 4 has taken time on 10.01.2018 and 24.01.2018 to file counter affidavit. Despite indulgence granted by this Court no counter affidavit has been filed by them till date denying the aforesaid fact.

In such circumstances, this Court is of the view that at the time of hearing of the anticipatory bail petition of opposite party nos. 2 to 4 wrong statements were made in para 3 of petition on



affidavit. This Court was persuaded to grant anticipatory bail to opposite party nos. 2 to 4 after concealing the correct facts by the petitioners. Annexure(s) 3 to 6 clearly speaks that several cases are pending against the opposite party nos. 2 to 4. This fact has not been contradicted by the opposite party nos. 2 to 4 although two adjournments were given to them to file counter affidavit.

Therefore, the anticipatory bail granted to the opposite party nos. 2 to 4 by order dated 22.09.2017 passed in Cr. Misc no. 35220 of 2017 is hereby cancelled. The bail bonds filed by the opposite party nos. 2 to 4 is also directed to be cancelled by the Court below.

Opposite party nos. 2 to 4 is directed to surrender before the Court below and seek regular bail which will be considered/disposed off by Court below on its own merit without being prejudiced by the present order.

(Sanjay Priya, J)

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