

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5350 of 2018

Arising Out of PS.Case No. -143 Year- 2017 Thana -JAHANABAD District- JEHANABAD

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Mahendra Chaudhary S/o Rajdeo Chaudhary, R/o Village- Unta Madhrpur,
P.S. and District- Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kunwar Digvijay Singh

For the Opposite Party/s : Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3. 06-02-2018** Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

The petitioner, in the present case, is seeking regular bail in connection with Jehanabad P.S. Case No. 143/2017 for the offences punishable under Section 341, 323, 307, 504/34 of the Indian Penal Code pending in the court of learned Sub-Judge-1st, Jehanabad.

Pursuant to the order of this Court, the Investigating Officer is present and has filed an affidavit sworn before Notary Public, Patna stating that when the case diary was called by the learned court below, he was on casual leave between 15.12.2017 to 21.12.2017. The



explanation furnished by the Investigating Officer is not satisfactory, but for the present, this Court is not willing to go into that issue as Investigating Officer has made a categorical statement that he would not fail in producing the case diary or assisting the Court wherever required in future. Case diary has been produced.

Learned Additional Public Prosecutor for the State has pointed out that the petitioner has got criminal antecedent inasmuch as there are seven cases against him and all are in the nature of cognizable offence. It has also been pointed out that in paragraph-3 of the application there is concealment as regards the number of cases against the petitioner. Only three cases have been stated in paragraph-3.

In view of the suppression as regard criminal antecedent and going into the allegations against the petitioner, this Court is not inclined to grant regular bail to the petitioner.

This application is dismissed.

In normal circumstance, the deponent was required to call upon to explain the suppression, but again it appears that the mother of the petitioner, who seems to



be not a well educated lady, has sworn the affidavit, at this stage, I am not going into that direction.

Personal appearance of Investigating Officer is dispensed with.

(Rajeev Ranjan Prasad, J.)

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