

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6921 of 2019

In
Criminal Appeal (SJ) No.2176 of 2018

Arising Out of PS. Case No.- Year-0 Thana- District-

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1. Dilip Singh @ Bipin Kumar son of late Sita Ram Singh
 2. Santu Singh Son of Sri Anandi Singh @ Anandi Sharma
 3. Karu Singh Son of Sri Bado Singh
- All resident of village- Pachhiya Dih, P.S- Mufassil, District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-02-2019 Heard learned counsel for the parties.

While granting anticipatory bail to petitioners Dilip Singh @ Bipin Kumar, Santu Singh and Karu Singh in connection with Cr. Appeal (S.J.) No. 2176 of 2018, arising out of Nawada SC/ST P.S. Case No. 13 of 2018, this Court had observed in last few lines of the order as follows:-

“ If the court below would come to the notice that appellants were accused with knowledge of any other case prior to filing of this criminal appeal on 25.06.2018 that would be a ground for cancellation of bail.”



Prayer is for removal of those lines for the reasons that the appellants had disclosed their criminal antecedents in paragraph-3 of the memo of appeal.

Appellants had disclosed in paragraph-3 that appellant No. 1 Dilip Kumar is accused in Nawada Muffassil P.S. Case No. 83 of 2013 and Nawada P.S. Case No. 295 of 2014. Appellant No. 3 Santu Singh is accused in Mufassil P.S. Case No. 71 of 2010, Nawada Town P.S. Case No. 534 of 2013 and Rajgir P.S. Case No. 20 of 2011 and appellant No. 4 Karu Singh was accused in Mufassil P.S. Case no. 118 of 2005 and Mufassil P.S. Case No. 64 of 2014. The appellants were specifically stated that except that the appellants were not accused in any other case.

The informant by filing counter affidavit disclosed reference of some other cases also stating therein that individual appellants are accused in those cases. Thereafter submission of the appellants was that the appellants had no knowledge about the cases referred in the counter affidavit.

If the petitioners would have stated that they had knowledge of those cases that would have affect of suppression of material fact in the case.



In that view of the matter, the last four lines are purposely there in the order dated 11.12.2018. Hence, there is no question of modification of the same.

Accordingly, the application stands dismissed.

(Birendra Kumar, J)

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