

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20430 of 2019

Arising Out of PS. Case No.-292 Year-2018 Thana- BAHERA District- Darbhanga

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Birendra Kumar Deo Son of Sri Bhola Lal Deo Resident of Village-
Madhopur, P.S.- Bahera, District- Darbhanga. Petitioner/s
Versus

1. Firoz Alam Khan, Son of Noor Mohammad Resident of Mohalla-
Madhopur, P.S.- Bahera, District- Darbhanga.
2. The State of Bihar, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jayram Sharma
For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-05-2019 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the Opposite party.

Petitioner has filed this present application for
cancellation of bail of Firoz Alam Khan (Opposite Party No.1) on
the ground that opposite party no.1 has obtained bail on concealment
of relevant facts.

He submits that on the date of filing application, the
opposite party no.1 has not disclosed that after investigation, offence
under section 467 of the Indian Penal Code was added on 3.10.2018.

Learned counsel for the petitioner further submits that
after addition of Section 467 of the Indian Penal Code on 3.10.2018,
the application for grant of bail was rejected by the court below but
the opposite party no.1 deliberately suppressed addition of section
467 of the IPC including the earlier rejection order of the court
below, approached this Court and by misleading the fact obtained
the order of bail.

Learned counsel appearing on behalf of the opposite party



no.1 submits that the offence under section 467 of the Indian Penal Code was added on 3.10.2018 to deprive the benefit of section 167 Cr.P.C.

He further submits that bona fide mistake was committed by the opposite party no.1.

On consideration of materials on record, the Court finds that the aforesaid mistake was not bona fide mistake but it appears to be deliberate attempt to mislead the Court and as such the opposite party no.1 is not entitled to privilege of bail.

Considering the aforesaid, the present application is allowed. The order granting bail to the opposite party no.1 is recalled. The bail granted to the opposite party no.1 dated 16.1.2019 in Cr. Misc. No. 2176 of 2019 is cancelled.

The opposite party no.1 is directed to surrender before the court below on or before 10.6.2019 and thereafter, file application for grant of regular bail before the court below which shall be considered by the court below without being influenced by the order of cancellation of bail.

(Anil Kumar Upadhyay, J)

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