

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53112 of 2018

Arising Out of PS. Case No.-28 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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Bharat Rishideo S/o Tulo Rishidev resident of Village- Jayprakash Nagar,
Ward No- 07, P.S. Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 17-09-2019 The petitioner was granted anticipatory bail by order dated 04-09-2018. In paragraph-3 of the main application, it has been mentioned that the petitioner has got no criminal antecedent and in course of argument also, it was submitted on behalf of the petitioner that the petitioner had no criminal antecedent. Considering the submission as well as other materials available on record, the petitioner was granted anticipatory bail on 04-09-2018.

An application was made to this court by the local residents of the same village to which, the petitioner belongs. The said application was sent to this court by the registered post. In the application, it has been stated that the petitioner has got a number of criminal cases pending against him and suppressing



the said fact and misleading the court, the petitioner obtained the order of grant of anticipatory bail. On the basis of said application made by the villagers, the present application was listed on 20-06-2019. Following is the order dated 20-06-2019:

“In pursuance of the petition filed on behalf of Shankar Paswan and others, the present matter has been placed. It has been stated in the said petition that the petitioner (accused) has not correctly disclosed his criminal antecedents in the present bail application.

Considering the same, Office is directed to issue notice to the petitioner, who had been granted bail on 04-09-2018 by this court.

List this matter on 22-08-2019 under appropriate heading”.

In pursuance to the order dated 20-06-2019, an affidavit has been filed by the father of the petitioner, the same be kept on record.

Following statement has been made in paragraph-5 of the affidavit:

5. That it is stated that there is no any excise case against my son. All the case is lodged by the Shankar Paswan or his associates due to land dispute. It is stated that at present



eight other case is pending against deponent's son i.e.

(i) Araria P.S. Case No. 518 of 2009 u/s 341, 323, 354, 448, 34 of the Indian Penal Code.

(ii) Araria P.S. Case No. 164 of 2014 u/s 143, 323, 379, 504, 506, 354(B) IPC.

(iii) Araria P.S. Case No. 357 of 2015 u/s 147, 341, 323, 380, 436, 34 IPC.

(iv) Araria P.S. Case No. 127 of 2017 u/s 341, 323, 379, 504, 506, 34 IPC

(v) Araria P.S. Case No. 463 of 2017 u/s 143, 341, 379, 354(B), 504, 506, 34 IPC

(vi) Araria P.S. Case No. 124 of 2017 u/s 341, 323, 324, 325, 354(B), 379, 504, 506 IPC in which cognizance has not been taken against the petitioner.

(vii) Complaint Case No. 1724(c) of 2015 u/s 420/34 IPC

(viii) Sadar Excise Case No. 25 of 2019 u/s 30(a) of Bihar Prohibition Excise Act and he is on bail in all these cases.

The petitioner has got 8 criminal cases pending against him but he made an incorrect statement in paragraph-3 of the main application stating that he has got no criminal antecedent. Hence, he misled this court on facts. It is a serious matter.



Taking into consideration the aforesaid facts and circumstances, this court cancels the anticipatory bail granted to the petitioner by order dated 04-09-2018 and directs him to surrender in the court below within a period of four weeks with a liberty to seek regular bail. If the petitioner fails to surrender in the court below within four weeks, the court below will be at liberty to issue process against him.

(Sudhir Singh, J)

A.K.V.//-

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