

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51693 of 2017

Arising Out of PS. Case No.-33 Year-2017 Thana- MANIYARI District- Muzaffarpur

Bindu Devi Wife of Dharmendra Paswan, resident of Village- Madhopur, P.S.-
Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Dharmendra Paswan @ Dharmendra Kumar Paswan, Son of Sri Lachhu Paswan, resident of Village- Madhopur Susta, P.O.- Susta, P.S.- Maniyari, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh
For the Opposite Party/s : Mr.Sri Ram Sumiran Roy

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 24-07-2019 Heard learned counsel for the petitioner and learned
counsel for O.P. No. 2.

The present application has been filed by the petitioner for cancellation of bail granted to O.P. No. 2 vide order dated 11.8.2017 passed in Cr. Misc. No. 37653 of 2017.

Counsel for the petitioner submits that O.P. No 2 was granted bail, vide order dated 11.8.2017 passed in Cr. Misc. No. 37653 of 2017 to the satisfaction of J.M. 1st Class, Muzaffarpur in connection with Maniyari P.S. Case No. 33 of 2017, on the ground “he has got no criminal antecedent”. Counsel for the petitioner further submits that O.P. No. 2 has suppressed the fact by stating in paragraph 3 of his bail application that he has got



no criminal antecedent. It is further submitted on behalf of the petitioner that O.P. No. 2 was convicted by the Trial Court in connection with Complaint Case No. 203 of 2010 for an offence under Section 498A IPC. O.P. No. 2 had preferred an appeal against the said order of the Trial Court vide Cr. Appeal No. 2 of 2016 whereby the Appellate Court granted bail to O.P. No. 2 during the pendency of the appeal. Subsequently, the aforesaid appeal was disposed of by judgment dated 25.2.2017. The Appellate Court affirmed the order of conviction passed by the Trial Court. The judgment of the Appellate Court is Annexure-3 to the present application.

Counsel for the petitioner further submits that in compliance of the order passed by the Appellate Court, O.P. No. 2 did not surrender before the Court below nor he had preferred any revision application before the Hon'ble Jharkhand High Court against the order of the Appellate Court. These facts were not stated in the bail application filed by O.P. No. 2 and the Court granted anticipatory bail taking into account that O.P. No. 2 has got no criminal antecedent.

Considering the aforesaid, this Court is of the considered view that O.P. No. 2 has suppressed the material fact and tried to mislead this Court. Accordingly, the bail granted to



O.P. No. 2 vide order dated 11.8.2017 passed in Cr. Misc. No. 37653 of 2017 stands cancelled. The O.P. No. 2 is directed to surrender in the Court below. If the O.P. No. 2 fails to surrender in the Court below within a period of four weeks from today, the Court below will take all necessary steps for issuance of process against O.P. No. 2 and secure his appearance/attendance in the Court below.

(Sudhir Singh, J)

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