

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40368 of 2018

Arising Out of PS. Case No.-187 Year-2016 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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The State Of Bihar

... .. Petitioner/s

Versus

Md. Wasihat @ Md. Wasiyat S/o Late Abdul Samad, Resident of Village-
Urdu Bazar, Police Station- Laheriasarai, District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 19-06-2019 Heard Mr. Abhimanyu Sharma, learned counsel for
the petitioner-State. Nobody appears on behalf of opposite party.

This petition is filed on behalf of the petitioner-State
for cancelling of bail granted to the opposite party vide order
dated 18.05.2017 passed in Cr. Misc.No.18804 of 2017 in
L.N.M.U. P.S. Case No.187 of 2016.

Learned counsel for the petitioner submits that the
opposite party, namely, Md. Wasihat @ Md. Wasiyat was
granted bail by this Court on consideration that the opposite
party has got no criminal antecedent and there is no material
against opposite party to show his involvement in the robbery
and murder of the brother of informant.

It is further submitted that in para 3 of the bail petition
the opposite party stated that he has got no criminal antecedent
but opposite party is accused in three criminal cases being



(i)L.N.M.U. P.S. Case No.35 of 2001 registered under sections 394, 393 of the IPC, (ii)L.N.M.U. P.S. Case No.52 of 2001 registered under sections 394, 393 of the IPC and (iii)Lahariasarai P.S. Case No.18 of 2007 registered under sections 25(1-b), 26 and 35 of the Arms Act. It is further submitted that besides concealment of material facts with regard to criminal antecedent, the opposite party also concealed the facts that in pursuance of confession made by him, the looted bag was recovered from the place situated near the pond and recovered bag was put on Test Identification Parade. The informant duly identified the looted bag.

From perusal of order dated 18.05.2017, it appears that it was submitted on behalf of the opposite party that the name of opposite party figured in the case on the confessional statement of co-accused and no incriminating article was recovered from possession of the opposite party. The other accused persons, namely, Hari Sahni, Irshad and Lalit Sharma were granted bail. Co-accused Chandan Singh was also granted bail and the case of opposite party stood on same footing. On such consideration, the opposite party was granted bail but it appears that the opposite party has concealed the material fact with regard to his criminal antecedent. The opposite party has



got three criminal cases. Besides this, the opposite party has also concealed the facts that in pursuance of confession made by him, the looted bag was recovered from the place situated near the pond and the recovered bag was put on Test Identification Parade. The informant duly identified the looted bag. The notice was issued to the opposite party but the opposite party appears to have intentionally declined to receive notice and thus did not appear in Court.

Considering the facts aforesaid, I find that the opposite party was granted bail on concealment of material facts and, therefore, his bail granted by this court is fit to be cancelled. Thus, bail granted to the opposite party on 18.05.2017 in Cr. Misc.No.18804 of 2017 in connection with L.N.M.U. P.S. Case No.187 of 2016 is cancelled. The Court in seisin of the case is directed to take steps for taking the opposite party in custody after cancelling the bail bond furnished by the opposite party in pursuance of order dated 18.05.2017.

Accordingly, this application stands allowed.

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(Prabhat Kumar Jha, J)

