

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83599 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- BARBIGHA District- Sheikhpura

Sarvottam Kumar, Son of Late Sidheshwar Prasad, Resident of Village-Dayari Chak, P.S.-Sare, District-Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pankaj Kumar, Advocate

For the Opposite Party : Mr. Mrityunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 17-03-2020 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks bail in connection with Barbigha P.S. Case No.81 of 2019 registered for the offences punishable under Sections 392 and 411 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that neither the petitioner is named in the FIR nor he was put on Test Identification Parade nor any stolen article was recovered from his possession. It is further contended that the petitioner has got clean antecedent and apart from the instant case, he was falsely implicated in one another case i.e. Sare P.S. Case No.37 of 2019 under Sections 414 of the Indian Penal Code.

Opposing the prayer for bail of the petitioner, learned counsel for the State has submitted that the petitioner



has not approached this Court with clean hands. He contended that in paragraph 2 of the bail application, a false statement on oath has been made by the petitioner that he is accused in only one case apart from the present one i.e. Sare P.S. Case No.37 of 2019. In the case diary, in paragraph no. 116, it is stated that except the present case, the petitioner is accused in Sare P.S. Case No.107 of 2016 dated 29.11.2016 registered under Sections 341, 323, 308, 506, 337, 504 of the Indian Penal Code and 27 of the Arms Act, Sare P.S. Case No.106 of 2018 dated 19.08.2018 registered under Sections 25(1-B)a, 26 and 35 of the Arms Act, Bihar P.S. Case No.291 of 2017 dated 23.05.2017 registered under Sections 323, 341, 504, 307, 302 read with 34 of the Indian Penal Code and 27 of the Arms Act. Learned counsel for the petitioner does not dispute the facts recorded in para-116 of the case diary.

Considering the submissions made on behalf of the parties, materials collected in course of investigation and the false statement made on oath in the bail application, I am not inclined to grant bail to the petitioner for the present. The prayer for bail is rejected.

(Ashwani Kumar Singh, J.)

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