

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33164 of 2018

Arising Out of PS. Case No.-83 Year-2017 Thana- TARAPUR District- Munger

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Preeti Kumari Wife of Chandan Kumar Bhushan Resident of Village/Mohalla- Rajguru, P.S. Tarapur, District- Munger, at Present resident of Village- Gonai, P.S. Asarganj, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chandan Kumar Bhushan, son of Purushottam Singh, resident of village Rajguru, P.S.- Tarapur, District- Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh
For the Opposite Party/s : Mr.Md. Arif

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 17-01-2020 The present application has been filed on behalf of the petitioner for cancellation of bail granted to O.P. No. 2 vide order dated 10.04.2018 passed in Cr. Misc. No. 21378 of 2018 on the ground that the petitioner had made incorrect statement in paragraph no. 3 of his bail application by stating that he has got no criminal antecedent.

A counter affidavit has been filed on behalf of O.P. No. 2. Following statement has been made in paragraph no. 3 of the counter affidavit:

“3. That statement made by the petitioner in Para 6 is correct but at the time of filing Cr. Misc. 21378/18 for granting anticipatory bail I have no knowledge about the antecedent of Opp. Party no. 2. Neither Opp. Party no. 2 nor his father told age about the



antecedent of Opp. Party no. 2 Prushottam Singh father of the Opp. Party no. 2 is my brother and since long we have separated from each other I have been residing in District Banka and Opp. Party no. 2 has been residing of District Munger after filing of present application I was aware that statement made in Para-2 of Cr. Misc. No. 21378/18 was incorrect. Beside Tarapur P.S. Case No. 83/17 the Opposite party no. 2 has made accused in one case also Mahila Thana P.S. Case No. 15/13 U/S 341, 323, 376, 506, 34 of the I.P.C.”

Considering the fact that it was an inadvertent mistake and there was no intention on the part of O.P. No. 2 to mislead this Court.

Accepting the aforesaid statement made on behalf of O.P. No. 2 in the counter affidavit, the present application stands dismissed.

(Sudhir Singh, J)

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