

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32789 of 2021**

**In
CRIMINAL MISCELLANEOUS No.301 of 2021**

Arising Out of PS. Case No.-1094 Year-2019 Thana- PHULWARISHARIF District- Patna

NAGESH SAMRAT Son of Suresh Pandey R/O Village - Rupashpur Bhattha
Par, P.S. - Rupaspur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 25-08-2021 After some argument, Mr. Ashok Kumar Jha, learned counsel for the petitioner seeks permission to withdraw this application with liberty to seek appropriate relief in appropriate jurisdiction.

In course of hearing, this Court has been informed by Mr. Jha that in fact the petitioner has got 10 cases. He has tried to explain that the petitioner was not aware of the cases lodged against him but admits that in terms of one of the conditions imposed by this Court in it's order dated 26.03.2021 passed in Cr. Misc. No. 301/2021, the criminal antecedent of the petitioner was required to be verified and in any case at any stage if it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of

bail bond of the petitioner, in fact the learned court below has already taken steps by issuing a show cause notice to the petitioner and the petitioner has submitted a show cause to the learned court below.

Mr. Jha submits that the petitioner is willing to surrender in view of the conditions, however when this Court called upon learned counsel for the petitioner to give a date as to when the petitioner will surrender, no date has been given to this Court indicating the same and an endeavour has been made to prolong the date of surrender. As according to Mr. Jha, learned court below is yet to cancel the bail bond of the petitioner as soon as the bail bond is cancelled the petitioner will surrender.

On query made by this Court, Mr. Jha submits that since it is a case of suppression so the petitioner will definitely surrender but after the order of the learned court below.

Mr. Shantanu Kumar, learned A.P.P. for the State submits that it is a case of suppression of facts and by suppression the petitioner has obtained bail, therefore no leniency is required to be shown to the petitioner and his bail bond is required to be cancelled at once.

Considering the kind of submission made on behalf of the petitioner, this court finds that the petitioner is not coming

clean before this Court. On the one hand it is admitted that the criminal antecedents were not disclosed in the petition, whatever be the reasons there for, and the petitioner is willing to surrender in the court below but at the same time the petitioner wants to prolong his surrender saying that he will do it after the order of learned court below. It is not a bonafide plea of the petitioner.

This Court has called upon learned counsel for the petitioner to take a view again and again and he has reiterated the above stand. In the circumstances, this Court cancels the bail bond of the petitioner and directs issuance of non-bailable warrant of arrest against him forthwith. No relief may be granted as prayed in the present application.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.