

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.371 of 2021

In
CRIMINAL MISCELLANEOUS No.20756 of 2020

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Savita Devi Wife of Sri Ajay Kumar Rai, resident of Village-Hasanpur
Bhahadvas, Police Station-Mahua, District-Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Rai @ Ajay Kumar Rai, Son of Late Babu Lal Rai, resident of Village-
Hasanpur Bhahadvas, Police Station-Mahua, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr. P.K. Verma, AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJAN GUPTA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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**(The proceedings of the Court are being conducted by
Hon'ble the Chief Justice/ Hon'ble Judges through
Video Conferencing from their residential
offices/residences. Also, the Advocates and the Staffs
joined the proceedings through Video Conferencing
from their residences/offices.)**

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Date : 22-10-2021

Heard learned counsel for the parties.

The present Letters Patent Appeal has been preferred
against the order dated 11.11.2020 passed by a learned Single
Judge of this Court in Cr. Misc. No. 20756 of 2020, titled as
Ajay Rai @ Ajay Kumar Rai Vs. The State of Bihar.

The challenge, limited in nature, made by the



appellant, is to that part of the order dated 11.11.2020, which we reproduce as under:-

“In view of the fact that the petitioner has suppressed the fact regarding his criminal antecedent, this case is dismissed with a cost of Rs. 2 lacs to be paid by the person who has sworn the affidavit in the present case in favor of Patna High Court Legal Services Committee, Patna within a period of four weeks from today, in failure, the Collector, Vaishali is directed to recover the same as a land revenue.

Let a copy of this order be sent to the Collector, Vaishali as well as the Superintendent of Police, Vaishali for strict compliance of this order.”

Leaving the issue of maintainability open, we are not inclined to interfere with the order passed by the learned Single Judge, in dismissing the petitioner’s application, seeking bail, for the reason that the petitioner failed to disclose, in fact, suppressed the material facts, his antecedents in respect to which four cases of heinous nature stood registered against him. Four First Information Reports, spread over a period of five years, relating to heinous offences, were registered against the petitioner, particulars whereof are given as under:-

“i) Mahua P.S. Case No. 129/2011 registered under Section 341, 323, 504, 379,



353/34 I.P.C.

ii) Mahua P.S. Case No. 452/11 registered under Section 341, 323, 504, 342, 379, 353/34 I.P.C.

iii) Mahua P.S. Case No. 158/16 registered under Section 147, 148, 149, 504, 506, 307, 448 I.P.C. and 27 of Arms Act.

iv) Mahua P.S. Case No. 159/16 registered under Section 147, 148, 149, 504, 506, 380, 427, 448 I.P.C. and 27 of Arms Act.”

The suppression of such information by the petitioner, in our considered view, was only to hoodwink the Court and to obtain a favourable order in his favour.

As such, we dismiss the present Letters Patent Appeal imposing additional cost of ₹10,000/- (ten thousand only) to be paid by the appellant.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Rajan Gupta, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	26.10.2021
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