

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83339 of 2019

Arising Out of PS. Case No.-53 Year-2019 Thana- NATWAR District- Rohtas

Rasila Devi, aged about 39 years, Female, wife of Mahendra Sah Resident of Village - Natwar Kala, P.S.- Natwar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Subhash Singh, aged about 50 years, Male, Son of Late Nagina Singh @ Nagina Singh Resident of Village - Natwar Kala, P.S.- Natwar, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Om Prakash Upadhyay, Adv.
For the State	:	Mrs.Anita Kumari Singh, APP
For the O.P. No.2	:	Mr. Shyameshwar Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

6 22-12-2021 Heard learned counsel for the petitioner and learned counsel for the opposite parties.

2. The present petition has been filed for cancellation of anticipatory bail granted to the opposite party no.2 by order dated 03.09.2019 passed in Cr. Misc. No. 55912 of 2019 in connection with Natwar P.S. Case No. 53 of 2019.

3. Learned counsel for the petitioner submits that the anticipatory bail has been obtained by the opposite party no.2 on misstatement of fact to the effect that he had clean criminal antecedent. It is stated in paragraph no.7 of the present petition that the opposite party no.2 is named in Natwar P.S. Case No. 18/2016 and in Natwar P.S. Case No. 28/2012 and thus, the



anticipatory bail has been obtained through misrepresentation as this Court has taken note of the petitioner's claim of clean antecedent.

4. Learned counsel for the opposite party no.2 appears and invites reference to the counter affidavit, *inter alia*, stating that the son of the opposite party no.2 did not have knowledge about the criminal antecedent and, hence, the same could not be mentioned in the anticipatory bail petition.

5. This Court is not impressed with the stand of the opposite party no.2, more so, when it is also stated that the opposite party no.2 is on bail in both the cases.

6. In the above view of the matter, the anticipatory bail granted to the petitioner by order dated 03.09.2019 in Cr. Misc. No. 55912 of 2019 is hereby cancelled.

7. The learned court below is directed to cancel the bail bonds of the opposite party no.2 forthwith.

(Vikash Jain, J)

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