

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87495 of 2019

Arising Out of PS. Case No.-367 Year-2010 Thana- DEHRI TOWN District- Rohtas

DEVGAN KHARWAR @ DEVNATH KHARWAR @ PRAKASH
KHARWAR @ NRAIYA, Son of Yogender Kharwar, Resident of Mohalla -
Jakki Bihga, Maninagar, P.S. - Dehari (T), Sagra, Distt - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

8 20-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 324, 302, 452
of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner is one of the assailants. Two persons were
allegedly killed, by the petitioner and co-accused Samarajay
Kharwar by causing injury with sharp cutting weapon, in
presence of the informant.

Earlier prayer for bail was refused on 13.05.2019 in
Cr. Misc. No. 4100 of 2019 vide order at Annexure-1. At that
time also it was submitted before the Court that the petitioner
has got no criminal antecedent. This time also, it is stated that
the petitioner has got no criminal antecedent.



However, learned counsel for the informant has filed a counter affidavit stating therein that the petitioner is accused in four more cases of murder registered in different police stations.

When the learned counsel for the petitioner was confronted with the aforesaid suppression of fact, she informs that mother-in-law of the petitioner has sworn the affidavit and the deponent is mother of second wife of the petitioner. Therefore, she stated that the deponent was unaware of the fact that the petitioner has got criminal antecedent.

Learned counsel for the petitioner after some arguments has prayed for withdrawal of this application.

Prayer for withdrawal of this application is refused.

If the deponent was unaware of the fact she should not have mislead the Court by stating on oath that she is well acquainted with the facts and circumstances of the case. Considering the fact aforesaid, I am not inclined to enlarge the petitioner on bail in connection with Dehari P.S. Case No. 367 of 2010 pending in the Court of learned 10th Additional Sessions Judge, Sasaram, Rohtas.

Hence, prayer for bail is refused.

Let the Registry institute a criminal case against the deponent of this case for swearing false affidavit before the



Court and attempting to mislead the course of justice. The Registry shall examine the records of Cr. Misc. No. 4100 of 2019 also whereby prayer for bail was refused earlier to the petitioner and in that application also statement was made that the petitioner has got no criminal antecedent.

The Registry shall verify the deponent of that case and shall initiate a roving inquiry regarding involvement of others.

(Birendra Kumar, J)

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