

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29727 of 2021

Arising Out of PS. Case No.-213 Year-2019 Thana- AMAS District- Gaya

RIZU KHAN @ RIZWAN KHAN Son of Taukir Khan Resident of Village -
Aminabad, P.S.- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate.

For the Opposite Party/s : Mrs. Sharda Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-01-2022 Heard the parties through video conferencing.

It is submitted on behalf of the petitioner that the *Pairvikar* of the case has not given correct information with respect to the criminal antecedent of the petitioner and as such incorrect statement has been made in Para-3 of the bail petition.

However, learned counsel for the petitioner, on his personal endeavour, has been able to bring on record that the petitioner has been made accused in several other cases, as stated in paragraph No.2 of the supplementary affidavit, and in such circumstances, he seeks permission to withdraw the application filed on behalf of petitioner.

Law is well settled with regard to false averments in the pleading are sufficient to attract Chapter XI of the I.P.C. In this case *Pairvikar* of the petitioner has filed the present bail



application containing false averment in paragraph No.3. This practice of having made a false statement incorporated in an affidavit filed before Court should always be deprecated and entail appropriate legal action against the accused persons. However, it appears that the Pairvikar after getting knowledge of several other cases has filed supplementary affidavit, prima facie it appears to this Court that incorrect statement made in paragraph No.3 has not been made deliberately.

In view of the above submission, the application filed on behalf of the petitioner is dismissed as withdrawn.

The petitioner, if so advised, may file fresh application without suppressing any fact on affidavit. The petitioner may utilize the certified copy of the impugned order etc. to avoid any further delay. If such application is filed, the office is directed to place the present case along with fresh bail application.

(Purnendu Singh, J)

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