

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23037 of 2022

Arising Out of PS. Case No.-2202 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

SANTOSH KUMAR @ VICKY YADAV Son of Shri Sheo Pujan Roy
Resident of Mohalla - Dujra, Pahalwan Ghat, P.S. - Budha Colony, District –
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. AJEET KUMAR PANDEY Son of Late Parmeshwar Pandey Resident of -
Dujra, Pahalwan Ghat, Gate No. 13 P.S. - Budha Colony, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Mr. Raghuvendra Pratap Singh Mr. Kamlesh Kumar Singh
For the Opposite Party no. 2		Mr. Ravish Mishra
For the State		Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

4 19-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter

within one month.

I have already heard the learned counsel for the
petitioner, learned counsel for the informant as well as Mr.
Shailendra Kumar, learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 2202(C) of 2020, registered for the
offences punishable under Sections 419, 320, 423, 467, 468,
469, 471 and 120(B) of the Indian Penal Code.



The prosecution case, in brief is that the complainant claims himself to be the owner of nine decimals of land, appertaining to Khata No. 83, Plot No. 111 in Dujra, Buddha Colony, Patna. He was residing over there with his family. The accused persons, including the petitioner after trespassing his house, took away the materials kept for construction of the house. The accused persons also demanded a ransom of Rs. 5 lacs and threatened to face dire consequences if he fails to pay the amount. It has also been alleged that the accused persons have fraudulently executed three sale deeds with respect to the land of the complainant while the High Court and Hon'ble the Supreme Court have already declared possession of the complainant. As per allegation, co-accused Abhishek Kumar @ Sonu Yadav and Monu Yadav with weapons entered into the house of the complainant and subjected him to verbal abuse and threatened to kill him.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and the anticipatory bail petition of the petitioner was rejected merely on the ground that the petitioner had concealed his criminal antecedent in this anticipatory bail



petition before the court below, which was not intentional, rather it was an inadvertent mistake. He has submitted further that it is a case of purely a civil nature.

On the other hand, the learned counsel for the informant as well as the learned APP for the State have submitted that the petitioner does not deserve the privilege of anticipatory bail, since he did not come before the court with clean hand. He concealed his criminal background which was mandatory to be disclosed while filing the anticipatory bail petition, but he refrained from mentioning his criminal antecedent with an intent to obtain bail order deceiving the Court.

In my view, a person, who does not come before the Court with clean hand, does not deserve the relief claimed. The petitioner has concealed his criminal antecedent of four cases before the court below, as such, the court below, in my view, did not commit any mistake in rejecting the bail petition of the petitioner.

In view of aforesaid, the petitioner does not deserve the privilege of anticipatory bail. He is directed to surrender before the court below within a period of four weeks. If he surrenders within the stipulated period, his regular bail



petition shall be considered without being prejudiced by this order.

With these observations, the petition is disposed of.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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