

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35322 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

1. ISHWAR SINGH @ CHHOTU SINGH Son of Late Kaleshwar Singh R/O Vill.- Jaitpur, P.S.- Udwanthnagar, Distt.- Bhojpur
2. Vijay Kumar Singh Son of Ramdev Singh R/o Vill.- Jaitpur, P.S.- Udwanthnagar, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Binod Kumar No.3, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 01-02-2022 Heard the parties through video conferencing.

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

However, learned counsel for the petitioners, on his personal endeavour, has been able to bring on record that the petitioners have been made accused in several other cases, as stated in paragraph No.3 of the supplementary affidavit, and in such circumstances, he seeks permission to withdraw the application filed on behalf of petitioners.

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In view of the above submission, the application filed on behalf of the petitioners is dismissed as withdrawn.

The petitioners, if so advised, may file fresh application without suppressing any fact on affidavit. The petitioners 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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