

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32829 of 2022

In
CRIMINAL MISCELLANEOUS No.65720 of 2021

Arising Out of PS. Case No.-353 Year-2021 Thana- ARWAL District- Jehanabad

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KAILASH SAO Son of Nakho Sao Resident of Village - Jharia Raji Ground ,
P.s.- Jharia, Distt.- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This application has been filed for modification of the
order dated 07.03.2022 passed in Cr. Misc. No. 65720 of 2021 by
which the petitioner has been granted bail by this Court.

Learned counsel appearing for the petitioner has
submitted that due to lack of knowledge to the wife of the
petitioner, who is an illiterate lady, criminal antecedents of the
petitioner could not be brought to the notice of this Court and in
absence of knowledge, in paragraph-3 of the petition, it has been
mentioned that the petitioner bears no criminal antecedent. He
further submits that while complying the direction and condition
No.3 imposed in the order, the trial court has come to the fact
that the petitioner carries three cases other than the present one
and accordingly, bail bonds of the petitioner could not be



accepted by the learned court below. Hence, this petitioner is before this Court seeking modification of the aforesaid order.

Learned A.P.P. for the State has opposed the prayer for modification of the aforesaid order and submits that this is totally a case of suppression of fact and the petitioner has tried to mislead the Court in order to get the privilege of bail. He further submits that by way of this petition, the petitioner has not prayed for modification of the original application, but the order dated 07.03.2022 is sought to be modified, which is impermissible, and therefore, no modification in any manner is granted.

Taking note of the submission advanced by the learned A.P.P. for the State, this Court is of the view that suppression of fact is admittedly a matter of serious concern and this practice should be discouraged in the Court so that no litigant and/or Advocate would attempt to mislead the Court for the sake of their ill motive and gratification. Observing the aforesaid, this Court deems it fit to dismiss the modification petition filed by the petitioner. Accordingly, with the aforesaid observation, this modification application stands dismissed.

(Rajesh Kumar Verma, J)

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