

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42591 of 2021**

Arising Out of PS. Case No.-102 Year-2020 Thana- WARISNAGAR District- Samastipur

EKLAVYA KUMAR @ RAJA BABU @ RAJA BABU SAH Son of Ramu Sah @ Ram Babu Sah Resident of Village - Raghunathpur, P.S.- Warisnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 09-03-2022 Heard the parties.

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In view of the above submission, the application filed on behalf of the petitioner is dismissed as withdrawn.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