

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48788 of 2021**

Arising Out of PS. Case No.-104 Year-2020 Thana- MINAPUR District- Muzaffarpur

MAHESH RAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 26-04-2022 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.

The petitioner submits on his own endeavour that the petitioner has been made accused in some other case, 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 knowingly and deliberately made false statement/information in paragraph No.3 of the present bail application. 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.

In view of the above submission, the application filed on behalf of the petitioner is dismissed as withdrawn.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