

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60224 of 2021

Arising Out of PS. Case No.-372 Year-2021 Thana- CHANPATIA District- West Champaran

MEWALAL SAH S/o LATE RAM AVATAR SAH R/o VILLAGE-
GARABHUWA LALA TOLA, P.S-SIRISIYA, DISTRICT-WEST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-03-2022 Heard learned counsel appearing on behalf of
petitioner and learned A.P.P. for the State.

It is submitted on behalf of the petitioner that the *Pairvikar* of the case has not given correct statement with respect to the criminal antecedent of the petitioner. However, on his personal endeavour, learned counsel has been able to bring on record that the petitioner has been made accused in several other cases, as stated in paragraph No.2 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 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 averments in paragraph No.3. This



practice of having made a false statement incorporated in an affidavit filed before Court should always be deprecated. However, it appears that the Pairvikar after getting knowledge of other cases have 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In view of the above submission, the application filed on behalf of the petitioner is dismissed as withdrawn.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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