

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66676 of 2021

Arising Out of PS. Case No.-487 Year-2021 Thana- GARKHA District- Saran

AWADHESH RAI Son of late Dukhit Rai Resident of Village - Parsa
Ismailpur, Police Station - Garkha, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Akhileswar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 18-05-2022 This Court has granted repeated indulgence to the learned counsel for the petitioner. On 13.05.2022, a prayer for pass over was allowed. When the matter was taken up yesterday, one Mr. Srinath Kumar, learned advocate prayed for pass over and while seeking accommodation submitted before this Court that the learned counsel for the petitioner will appear tomorrow.

Today, when the matter has been called out, Mr. Srinath Kumar, learned counsel says that the learned counsel for the petitioner has not come and he has been asked to request this Court to disposed of the application on the basis of the materials available on the record.

In view of the statements above in presence of Mr. Srinath Kumar and Mr. Akhileshwar Dayal, learned APP for the State, this Court has perused the application as well as the



counter affidavit filed on behalf of the informant.

As per the prosecution story, on 03.07.2021 at about 4.00 pm while the informant was sitting in his house along with children, all the 14 accused persons named in the FIR came there lashed with various weapons and started abusing him. It is alleged that on protest made by the informant, one Awadhesh Rai (petitioner) ordered to kill him, upon which all the accused persons assaulted him by various weapons. In the meantime, when the family members of the informant tried to save him, they were also assaulted by the accused persons and they took away Rs.80,000/- in cash and ornaments worth Rs.1.5 lacs.

The petitioner has pleaded that as per the prosecution version this petitioner had only fired in the air from katta and that the specific allegation of assault to the informant is against co-accused Rameshwar Rai and Dinesh Rai who assaulted him with farsa and iron rod.

In paragraph '3' of the application the petitioner has disclosed four criminal antecedents but while hearing this application on 13.05.2022, this Court was informed by learned counsel for the informant that the petitioner has got six criminal antecedents and he had assaulted as many as 7 persons including the informant who had deposed as a witness in the earlier case.



Learned counsel for the informant has drawn the attention of this Court towards the impugned order passed by the learned 4th Additional Sessions Judge, Saran from which it appears that in the impugned order itself the description of all the six cases are duly mentioned. Despite this, the petitioner has not disclosed his complete criminal antecedents in paragraph '3' of the present petition.

It is one of those cases in which the learned counsel who was drafting the petition would very well found from the impugned order that the petitioner had criminal antecedents, still if all the criminal antecedents have not been disclosed truly, in the opinion of this Court, it would be a case of suppression of material facts relating to the criminal antecedents.

This application is thus dismissed at this stage for not disclosing the complete criminal antecedents of the petitioner. The petitioner will be at liberty to file a fresh application giving complete criminal antecedents.

Let a show cause notice be issued to the deponent namely Vikram Kumar Ray, son of Rama Kant Yadav, resident of village-Parsa Ismailpur, Police Station-Garkha, District-Saran (Chapra) calling upon him to show cause as to why an appropriate proceeding be not initiated against him for not



disclosing the complete criminal antecedents of the petitioner.

Let such show cause be filed within six weeks from today.

List this matter under the heading “To Be Mentioned” on 06.07.2022.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.

