

13.09.2022
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Court No.29
(AD)

CRR 3441 of 2022

**The Court on its own motion
Vs.
Archana Patra & Ors.**

With

C.R.M. 3473 of 2021

In the matter of: **Smt Swapna Bar @ Swapna Bor & Ors.**
....petitioners.

With

C.R.M. (A) 3867 of 2022

In the matter of: **Archana Patra & Ors.**
....petitioners.

With

C.R.M. (A) 4166 of 2022

In the matter of: **Manik Hazra**
....petitioner.

In Re: C.R.M. (A) 4166 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Joypur** Police Station Case No.**12 of 2021** dated **25/01/2021** under Sections **186/332/323/353/333/308/427/379/34** of the Indian Penal Code.

And

In the matter of: **Manik Hazra**
....petitioner.

Mr. Subhasish Pachhal
...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP
Ms. Sonali Das
...for the State.

Manik Hazra is the petitioner in CRM (A) 4166 of 2022.

The Court is informed that he was arrested during the pendency of his petition.

CRM (A) 4166 of 2022 is, therefore, disposed of as infructuous.

In Re: CRR 3441 of 2022

**The Court on its own motion
Vs.
Archana Patra & Ors.**

Mr. Subhasish Pachhal

...for the opposite parties.

The application of Manik Hazra brought forth startling facts.

Manik Hazra along with nine other persons filed CRM 3473 of 2021 praying for anticipatory bail which was rejected on October 1, 2021. Thereafter, five petitioners, namely, Archana Patra, Tapan Sar, Ujjwal Patra, Manoranjan Bar and Swapan Hazra, filed a petition for anticipatory bail being CRM (A) 3867 of 2022 and obtained an order of grant of anticipatory bail on August 12, 2022. Such petitioners, however, suppressed the factum of CRM 3473 of 2021 and the rejection of their prayer for anticipatory bail on October 1, 2021 in their application for anticipatory bail in CRM (A) 3867 of 2022. The order granting anticipatory bail to such petitioners on August 12, 2022 in CRM (A) 3867 of 2022 was, therefore, passed on an erroneous material facts noticing the same rule was issued.

In response to such Rule, such persons are represented in Court.

It is contended on behalf of the Archana Patra, Tapan Sar,

Ujjwal Patra, Manoranjan Bar and Swapan Hazra that they did not suppress any material fact. CRM (A) 3867 of 2022 was their first application.

Such contention is belied by the evidence available on record. They were the petitioners in CRM 3473 of 2021 also. Therefore, they cannot claim that CRM (A) 3867 of 2022 was their first application for grant of anticipatory bail.

Consequently, the order granting anticipatory bail to Archana Patra, Tapan Sar, Ujjwal Patra, Manoranjan Bar and Swapan Hazra in CRM (A) 3867 of 2022 passed on August 12, 2022 is cancelled. All consequential steps taken on the basis of such order dated August 12, 2022 is also cancelled.

Such persons are directed to surrender before the jurisdictional Court immediately.

In default, State and the jurisdictional Court are to proceed against such persons.

CRR 3441 of 2022 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)