

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9562 of 2023

Arising Out of PS. Case No.-243 Year-2021 Thana- BARAUNI District- Begusarai

Shivam Kumar, S/O Navin Singh, R/V- Bihat, Gurudaspur Tola, Ward No. 18,
P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bipin Kumar, Advocate
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, APP
For the Informant :	Mr. Shubhesh Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2023 Heard Mr. Bipin Kumar, learned counsel appearing on behalf of the petitioner, Mr. Shubhesh Pandey, learned counsel for the informant and the learned APP for the State.

Earlier, the prayer for bail of the petitioner was considered by this Court and vide order dated 13.07.2022 in Cr. Misc. No. 11844 of 2022, the privilege of bail was allowed in favour of the petitioner, after taking into consideration that other co-accused having identical allegation has been admitted on bail by learned co-ordinate Bench of this Court, with certain conditions, inter alia, the Court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the Court below shall take immediate step for cancelling the bail



bond of the petitioner.

After acceptance of bail bond and release of the petitioner, an application has been filed on behalf of the informant, whereupon, verification has been made and it has been found that the petitioner is accused in altogether nine cases and in this way, he suppressed the vital material fact before this Court with regard to his criminal antecedent. It is needless to observe that an act of fraud on Court is always viewed seriously. Fraud is proved, when it is shown that a false representation has been caused knowingly or without belief in its truth or recklessly/carelessly, whether it be true or false. It is well settled that dishonesty should not be permitted to bear where the fruit and benefit to the person, who played fraud and made misrepresentation.

Filing of false affidavit is not only an offence, under the penal provisions, rather it is contemptuous conduct of the petitioner and the deponent, who sworn the affidavit.

At this juncture, learned counsel for the petitioner vehemently submitted that in a similar circumstance, one of the co-accused namely, Saurav Kumar, who was also granted bail by this Court and later on transpired that in his case also, on account of inadvertence, four other cases could not be



mentioned, however, he has been allowed bail vide order dated 18.01.2023 in Cr. Misc. No. 1834 of 2023, after imposing a cost of Rs. 20,000/-. It is needless to observe while considering the bail application of the co-accused 'Saurav Kumar' this Court has also taken note of the fact that despite bail being granted by this Court on 04.07.2022, he remained in custody on account of pendency of other criminal cases.

This Court while hearing, the matter earlier found that, it might be a case of inadvertence, but subsequently after having been found it is a general practice of suppressing of facts by accused persons, compelled this Court to take a stringent view in order to ensure the administration of justice and accordingly, in view thereof, this Court is not inclined to grant bail to the petitioner for present.

On the other hand, learned counsel for the informant while opposing the bail application submits that the accused persons are indulged in delaying the trial and the witnesses are facing threats at the hands of the accused persons in this case and because of one reasons or others, they are not allowing to frame charges.

Considering the submissions made on behalf of the parties, this Court directs the learned trial Court to take all the



endeavours to frame the charges, as early as possible. The petitioner is at liberty to renew his prayer for bail, after framing of the charge.

Accordingly, the prayer of the petitioner for grant of bail stands rejected with a liberty to renew his prayer for bail after framing of charge.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

