

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.856 of 2023

Arising Out of PS. Case No.-68 Year-2021 Thana- SC/ST District- Darbhanga

Rehana Khatoon, Wife of Md. Ramjan @ Ramjan Ali, R/v- Dighiyara, P.S.-
Keoti, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Sagar Paswan, Son of Late Mahavir Paswan, R/v- Dighiyara, P.S.-
Keoti, District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.
For the Respondent No.2:	:	Mr. Ravi Nandan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-03-2023 Learned counsel for the appellant is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Nilendu Kumar Choudhary, learned counsel for the appellant, Mr. Ravi Nandan, learned counsel for the respondent no.2 and learned Spl. PP for the State.

It is very unfortunate that despite the bail being granted by this Court on 08.09.2022 in Cr. Appeal (SJ) No. 887 of 2022 after taking note of the fact that the appellant is found involved in five other criminal cases, the appellant has been unnecessarily compelled to approach before this Court by filing a fresh Cr. Appeal (SJ) before this Court, as she was taken into



custody after cancelling her bail bonds on being found suppression of fact regarding criminal antecedent.

On the last occasion, the appellant was allowed bail vide order dated 08.09.2022 with certain conditions, *inter alia*, that the court below shall verify the criminal antecedent of the appellant and in case, at any stage, it is found that the appellant has concealed her criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the appellant. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

From perusal of the order passed by the jurisdictional Court dated 16.11.2022, it appears that while cancelling the bail bonds of the appellant, the learned court has not taken note of all the facts and the order passed by this Court in its right perspective, wherein paragraph no.2, at page no.3, this Court has taken note of the submission of the learned counsel for the informant/respondent no.2 that appellant is found involved in five other criminal cases.

Learned counsel for the appellant submits that on the previous occasion, it had been been fairly submitted that at the time of filing the memo of appeal it was stated in para. 3 thereof



that the appellant is found involved in three criminal cases, besides the present one, however, having come to know with regard to involvement of two other criminal cases, a supplementary affidavit was filed stating therein that the appellant has found involved in two other criminal cases.

This Court finds that there is no suppression of the fact with regard to criminal antecedent of the appellant and, accordingly, this Court left with no option but to set aside the order dated 16.11.2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Darbhanga in connection with SC/ST P.S. Case No. 68 of 2021 on the same terms and conditions, as was imposed earlier by this Court in Cr. Appeal (SJ) No. 887 of 2022.

Accordingly, the present criminal appeal stands allowed.

(Harish Kumar, J)

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