

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45266 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- JAHANABAD District- Jehanabad

1. Md. Sahzad @ Baratu @ Barat Son Of Late Sahdat Hussain Resident Of Village- In Front Of Noor Maszid, Jafarganj, Ps- Jehanabad, Distt- Jehanabad
2. Md. Tauhid @ Kallu, Manoj Singh Son Of Rafiq Master Resident Of Village- In Front Of Noor Maszid, Jafarganj, Ps- Jehanabad, Distt- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Lal, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Umesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 11-10-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Jehanabad Nagar P.S. Case No.158 of 2023 registered for the offences punishable under Sections 341, 323, 325, 307 and 506/34 of the Indian Penal Code. The petitioners have got no criminal antecedent as per the statement made in paragraph '3' of this application.

3. Mr. S.K. Lal, learned counsel for the petitioners submits that with respect to the alleged occurrence which took place on 20.02.2023, there is a case and counter case between



the parties. It is submitted that as per the present First Information Report, the petitioner no.1 is said to have assaulted the informant and his brother-in-law by iron rod, however, as per counter case, the petitioner no.1 was assaulted by the informant's side in which his left hand has been fractured.

4. Learned counsel submits that so far as the petitioner no.2 is concerned, there is no specific allegation against him in the First Information Report.

5. Learned counsel for the informant has opposed the prayer for pre-arrest bail of the petitioners. At the outset, it is submitted that both the petitioners have concealed their criminal antecedents. On the direction of this Court, an affidavit has been filed on behalf of the informant and in the said affidavit it has been disclosed that the petitioner no.1 has got two criminal antecedents i.e. Jehanabad P.S. Case No.812 of 2019 under Sections 153, 153(A), 147, 149, 353, 333, 307, 435, 436, 379 I.P.C. and Jehanabad P.S. Case No.813 of 2019 under Sections 153(A), 147, 149, 302, 188 and 153 I.P.C. and Section 27 of the Arms Act. In both the cases, the petitioner no. 1 is named accused in the F.I.R.

6. Learned counsel for the informant has further submitted by placing a copy of the final form/report bearing



no.717/20 dated 26.11.2020 in connection with Town P.S. Case No.813 of 2019 that in this case the petitioner no. 2 is also an accused. It is pointed out that the petitioner no.2 is one amongst the several accused against whom the case has been found true and charge-sheet has been submitted.

7. Learned counsel further submits that so far as petitioner no.1 is concerned, he has indulged in giving repeated blow to the informant's side and as many as four injuries have been caused on the head of the brother-in-law of the informant.

8. Having regard to the facts and circumstances of the case, this Court has noticed from the records that even as there is a case and counter case between the parties, the petitioner no.1 is said to have caused grievous injury to Fazlu Rahman who is brother-in-law of the informant, apart from this, the conduct of two petitioners in filing this application seeking anticipatory bail by concealing their criminal antecedents must be taken seriously. The petitioner no.1 concealed his two criminal antecedents whereas petitioner no.2 concealed the fact that he has been charge-sheeted in one of the cases.

9. From the records i.e. supplementary affidavit of the petitioners, it appears that earlier the petitioner no.1 had obtained character certificate from the office of Superintendent



of Police, Jehanabad which is Annexure- '4' to the supplementary affidavit. This character certificate has been issued on 14.09.2022 saying that there is no record of any case in Jehanabad police station against petitioner no.1. This Court, therefore, finds that the petitioner no.1 has not only concealed the criminal antecedents before this Court rather he has been indulging in obtaining the character certificate containing a false declaration that there is no record of a criminal case against him in Jehanabad police station.

10. For the aforesaid reasons, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. Prayer is refused.

11. The Superintendent of Police, Jehanabad, who has issued the certificate, as contained in Annexure- '4' to the supplementary affidavit to petitioner no.1, shall conduct an enquiry as to how and under what circumstances the character certificate declaring that the petitioner had no criminal records in Jehanabad police station was issued. This certificate has been sought to be placed before this Court to show the clean antecedent of the petitioner no.1. The Superintendent of Police, Jehanabad shall, upon completion of enquiry within a period of three months from the date of receipt/communication of a copy of this



order, fix the responsibility in this regard and inform to this Court.

12. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

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

