

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47656 of 2023

Arising Out of PS. Case No.-216 Year-2020 Thana- BANMANKHI District- Purnia

1. Girendra Mandal son of Late Kanak Lal Mandal Resident of Village- Pipra PS- Banmankhi Dist- Purnea
2. Devan Mandal @ Devendra Kumar Mandal son of Late Kanak Lal Mandal, Resident of Village- Pipra PS- Banmankhi Dist- Purnea
3. Satendra Mandal @ Satyendra Mandal son of Late Kanak Lal Mandal, Resident of Village- Pipra PS- Banmankhi Dist- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Viveka Nandsingh, Advocate Mr. Heera Jha, Advocate
For the State	:	Md. Aslam Ansari, Advocate
For the Informant	:	Mr. Rajendra Narayan, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-10-2023 Heard learned counsel for the petitioners, learned senior 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 Banmankhi P.S. Case No. 216 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 120B, 302, 379, 506 of the Indian Penal Code.

3. In paragraph '3' of the present application, the following statements have been made:-

“That the petitioner no. 3 has no criminal antecedent. The petitioner no. 2 is accused in Banmankhi P.S. Case No. 111 of 2006, under Sections 147, 148, 149, 323, 325 of the I.P.C., in



this case the petitioner no. 2 is on bail. The petitioner no. 1 is accused in Banmankhi P.S. Case No. 241/07, u/s 353, 504/34 of the I.P.C. and Section 3(x) of SC/ST Act. Banmankhi P.S. Case No. 36/12 u/s 452, 385, 341, 323, 354, 504, 506 of the I.P.C. and Section 3(x) of the SC/ST Act. Banmankhi P.S. Case No. 111/2006, u/s 147, 148, 149, 323, 325 of the I.P.C. In all the aforesaid cases the petitioner no. 1 is on bail.”

4. Pursuant to the order of this Court, a counter affidavit has been filed on behalf of the informant who has disclosed in paragraph 2’ of the counter affidavit that petitioner no. 1 is an accused in altogether 11 cases and apart from the cases stated in paragraph ‘3’ he is an accused involved in the 11 cases description of which have been provided in the affidavit of the informant. Out of these 11 cases, two have been disposed of. Petitioner No. 2 is accused in three cases and petitioner no. 3 about whom it has been stated in paragraph ‘3’ that he has got clean antecedent, it is stated that he has got two cases description of which have been provided in the affidavit.

5. In response to the counter affidavit of the informant, the petitioner has filed a reply/rejoinder in which he has stated that out of 11 criminal cases, in two cases, petitioner no. 1 has been acquitted. Referring some of the cases such as Banmankhi P.S. Case No. 262 of 1997, it is stated that this case is 26 years



old and petitioner no. 1 has no knowledge about this case whereas in Banmankhi P.S. Case No. 70 of 2006, Banmankhi P.S. Case No. 272 of 1998 and Banmankhi P.S. Case No. 47 of 2011, it is stated that petitioner no. 1 is on bail granted by police.

6. It is evident from his own statement that petitioner no. 2 is well aware of the several other cases in which he was accused but in paragraph '3' of the application, those cases were not disclosed.

7. As regards petitioner no. 2 also it is admitted in the rejoinder that he is an accused in Banmankhi P.S. Case No. 26 of 1998 and Banmankhi P.S. Case No. 248 of 2001 but these cases have not been disclosed. Similarly, the criminal antecedent of petitioner no. 3 has been concealed by stating that petitioner no. 3 has no criminal antecedent.

8. This Court, therefore, finds that it is a gross case in which the petitioners have made all-out efforts to play a fraud upon the Court by concealing their criminal antecedents.

9. In the circumstances, this Court refuses to entertain the prayer for anticipatory bail of the petitioners and imposes a cost of Rs.25,000/- (Rupees Twenty Five Thousand Only/-) on each of the three petitioners which they would be liable to deposit with the Patna High Court, Legal Services Committee within one



week after puja holidays, however, the petitioners will be at liberty to seek their remedy, if so advised, for anticipatory bail on merit in accordance with law after disclosing complete criminal antecedents.

10. This Court would further issue notice to the deponent, namely, Ravindra Kumar Ravi, son of Kanak Lal Mandal, Resident of Durgapur, P.S.-Bhawanipur, District-Purnia to show cause as to why an appropriate proceeding be not initiated against him for filing a false affidavit as to criminal antecedents of the petitioners in order to procure an order of anticipatory bail from this Court.

11. Mr. Heera Jha, learned counsel for the petitioner accepts the notice for the deponent to file show cause within four weeks.

12. List this case with the show cause on 01.12.2023 under the heading 'For Orders'.

13. At this stage, this Court has been informed that learned trial court has issued non-bailable warrant of arrest against the petitioners. If it is so, the Superintendent of Police, Purnea shall ensure that the warrant of arrest is duly executed in accordance with law.

(Rajeev Ranjan Prasad, J)

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