

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35517 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- CHERIYA BARIYARPUR District-
Begusarai

-
1. Sunita Devi Wife Of Ashok Tanti Resident Of Village- Kamla Tola, Manjhaul, Police Station- Manjhaul In The District Of Begusarai
 2. Mukesh Kumar Son of Ashok Tanti Resident of Village- Kamla Tola, Manjhaul, Police Station- Manjhaul in the district- of Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34777 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- CHERIYA BARIYARPUR District-
Begusarai

-
1. PRASIDHH TANTI Son of Rameshwar Tati Resident of Kamla Tola, Manjaul, P.S.- Cheria Bariarpur (Manjhaul), District- Begusarai.
 2. Ashok Tanti Son of Prasidhh Tanti Resident of Kamla Tola, Manjaul, P.S.- Cheria Bariarpur (Manjhaul), District- Begusarai.
 3. Mukesh Kumar Son of Ashok Tanti Resident of Kamla Tola, Manjaul, P.S.- Cheria Bariarpur (Manjhaul), District- Begusarai.
 4. Sunita Devi Wife of Ashok Tanti Resident of Kamla Tola, Manjaul, P.S.- Cheria Bariarpur (Manjhaul), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35517 of 2019)

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

(In CRIMINAL MISCELLANEOUS No. 34777 of 2019)

For the Petitioner/s : Mr.Pankaj Kumar Singh

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

30 01-02-2024

Heard learned counsel for the petitioners as



well as learned Additional Public Prosecutor for the State in both the cases.

In pursuance to the direction of this Court, vide order dated 10.07.2019, an inquiry was conducted by the learned Registrar General and after thorough enquiry, a report has been submitted in a sealed cover.

From perusal of the Inquiry Report, it appears that the petitioners of both the bail applications, namely Smt. Sunita Devi and Sri. Mukesh Kumar and deponent of Cr. Misc. No. 35517/2019 namely Sri Yugal Das and deponent of Cr. Misc. No. 34777/2019 namely Smt. Sushila Devi had knowledge of previously filed bail petition i.e. Cr. Misc. No. 34777/2019 and they deliberately did not mentioned this fact and as such, it was a clear suppression of facts by the petitioners Smt. Sunita Devi and Sri. Mukesh Kumar and dependents Sri. Yugal Das and Smt. Sushila Devi in order to get the bail from this Hon'ble Court.

The learned counsel for the petitioners in Cr.



Misc. No. 35517/2019 has fairly stated that deponent Sri. Yugal Das had approached him with reference of an advocate of Civil Court, Begusarai and handed over the certified copy of F.I.R and rejection order of bail application of Prasidh Tanti, Ashok Tanti, Mukesh Kumar and Sunita Devi and the *Vakalatnama* duly executed by accused petitioners/namely Smt. Sunita Devi and Sri. Mukesh Kumar certified by the Jail Authority to him. The deponent Sri. Yugal Das requested him to file the bail application only on behalf of petitioners Smt. Sunita Devi and Sri. Mukesh Kumar and when he was asked about two other accused persons namely Prasidh Tanti and Ashok Tanti, the deponent replied that he is only concerned about two petitioners namely Smt. Sunita Devi and Sri. Mukesh Kumar as Sri. Mukesh Kumar is his son-in-law and Smt. Sunita Devi is the mother of Sri. Mukesh Kumar and when he was asked as to whether these two petitioners (Smt. Sunita Devi and Sri. Mukesh Kumar) had approached earlier before this Court for



grant of bail then deponent replied that both have not approached earlier before the Hon'ble Court for grant of bail. He has also submitted that Cr. Misc. No. 35517/2019 was filed on 20.05.2019 and listed on 30.05.2019 before Hon'ble Bench as no defect was pointed out in Stamp reporting in Cr. Misc. No. 35517/2019. On 16.06.2019, Mr. Amit Kumar, learned Advocate of Civil Court, Begusarai had informed him that petitioners Smt. Sunita Devi and Sri. Mukesh Kumar have already been released on bail and on query Mr. Amit Kumar said that perhaps both of them had already filed a bail application earlier before the Hon'ble Court. Thereafter, he mentioned the case before the Hon'ble Bench and Cr. Misc. No. 35517/2019 was listed on 19.06.2019 when he disclosed the said fact before the Bench and requested for withdrawal of the case. He has filed the present bail application in good faith as per the information given by the deponent namely Sri. Yugal Das and in accordance with submission of the relevant



documents along with *Vakalatnama* duly executed by both the petitioners and also duly certified by the Jail Authority.

The learned counsel for the petitioners in Cr. Misc. No. 34777/2019 has fairly stated that deponent Smt. Sushila Devi had approached him for filing the present case on 01.05.2019 and then after verifying the matter, the case was filed. He had no knowledge about the filing of Cr. Misc. No. 35517/2019 before the Hon'ble Court as Cr. Misc. No. 34777/2019 was filed before filing of Cr. Misc. No. 35517/2019.

The deponent of Cr. Misc. No. 34777/2019 namely Smt. Sushila Devi has filed her show cause and sought unconditional apology from this Court and has submitted that she is the deponent and Pairvikar of Cr. Misc. No. 34777/2019 which was filed on 04.05.2019 on behalf of four petitioners namely Prasidh Tanti, Ashok Tanti, Sunita Devi and Mukesh Kumar. She has further submitted that she is sister of Sri. Prasidh Tanti who is



petitioner in Cr. Misc. No. 34777/2019 and she had no knowledge of filing of Cr. Misc. No. 35517/2019 before this Hon'ble Court.

The deponent of Cr. Misc. No. 35517/2019 namely Sri Yugal Das has filed his show cause and sought unconditional apology from this Court and has submitted that he married his daughter with Sri. Mukesh Kumar (Petitioner) who happens to be son of Smt. Sunita Devi (petitioner). His daughter informed him about rejection of bail of her husband and mother-in-law. He went to meet his son-in-law and *Samdhan* Smt. Sunita Devi in Jail where both of them requested him for filing bail petition. On their request, he obtained certified copy of F.I.R, bail petition, bail rejection order and also *Vakalatnama* of both accused persons namely Sri. Mukesh Kumar and Smt. Sunita Devi from the jail and thereafter he approached learned advocate for the petitioners in Cr. Misc. No. 35517/2019 namely Mr. Sunil Kumar. He had no knowledge about filing of any



other bail application before this Hon'ble Court. He is an illiterate person and he made *pairvi* for bail of his son-in-law Sri. Mukesh Kumar and *samdhan* Smt. Sunita Devi in good faith and there is no intention or deliberate latches on his part.

Having gone through the inquiry report, submitted by learned Registrar General, this Court finds that this is a case of suppression of facts, however, from the show cause and the affidavits filed by the petitioners, deponents and others concerned, it appears that the wrong has occurred on account of gross carelessness or casual approach taken by the deponents as well as the petitioners.

Considering the aforesaid findings of the inquiry report, this Court deems it appropriate to impost a cost of Rs. 10,000/- each to the petitioners namely Smt. Sunita Devi and Sri. Mukesh Kumar and also the deponents namely Sri. Yugal Das and Smt. Sushila Devi, which would be deposited in the Legal Aid Committee



within two weeks from today.

Accordingly, the petition stands disposed off.

(Sunil Kumar Panwar, J)

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