

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 1098 of 2024**

Arising Out of PS. Case No.-112 Year-2020 Thana- GAUNAHA District- West Champaran

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SANJAY YADAV SON OF BRIJ KISHORE YADAV RESIDENT OF  
VILLAGE- BELWA BAHUARI, P.S. GAUNAHA, DISTRICT- WEST  
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. DEEPAK YADAV @ DEEPAK KUMAR YADAV S/O SRI LALBABU  
YADAV RESIDENT OF VILLAGE- BELWA BAHUWARI, P.S.- GAUHA,  
DISTRICT- WET CHAMPARAN

... .. Opposite Party/s

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**Appearance :**

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|----------------------|---|-------------------------------------|
| For the Petitioner/s | : | Mr. Shambhu Sharan Singh, Advocate. |
| For the State        | : | Ms.cAsha Kumari, APP                |

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

5      10-05-2024                      Heard both the parties.

2. The present petition has been filed for cancellation of bail granted to the Opposite Party No. 2 vide order dated 14.7.2022 passed in Cr. Misc. 15008 of 2022 submitting that the Opposite Party No. 2 has suppressed one criminal antecedent bearing Gaunaha P.S. Case No. 67 of 2017, but by condition bearing No. (iv) of the order dated 14.7.2022 passed in Cr. Misc. 15008 of 2022, it has already been provided as follows:-

*“(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting*



*satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same”.*

3. As such, the petitioner has remedy to approach the Ld. Trial Court to apprise the suppression of the criminal antecedent by the Opposite Party No. 2. Thereafter, the Ld. court below has already empowered to pass appropriate order and, hence, the present petition is not maintainable before this Court. The Petitioner should have approached Ld. court below for appropriate relief.

4. At this stage, Ld. counsel for the petitioner is seeking permission to withdraw the present petition with liberty to file appropriate petition before Ld. court below.

5. Permission is granted.

6. Accordingly, the present petition is dismissed as withdrawn with liberty to the petitioner to file appropriate petition before the Ld. court below.

**(Jitendra Kumar, J)**

S.Ali/ravishankar

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