

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29734 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- KONCH District- Gaya

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Sunita Devi W/o Yogendra Yadav R/o vill - Digdhi, P.S. - Konch, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shushil Kumar S/o Subodh Paswan R/o vill - Dighi, P.S.- Konch, Distt. - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Mishra, Advocate
For the State	:	Mr.Shyameshwar Dayal, APP
For O.P. No. 2	:	Ms. Mukul Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

9 18-04-2025 The instant application has been filed by the petitioner seeking cancellation of anticipatory bail granted to opposite party no. 2 Shushil Kumar vide order dated 20.02.2024 passed in Cr. Misc. No. 7019 of 2024 in connection with Konch P.S. Case No. 318 of 2023.

2. Heard learned counsel for the petitioner as well as learned counsel appearing on behalf of opposite party no. 2 and the learned APP for the State.

3. Learned counsel for the petitioner submits that the opposite party no. 2 got the anticipatory bail by making wrong submission and producing forged document. One of the submissions made on behalf of opposite party no. 2 at the time



of hearing of the anticipatory bail petition was that the statement of the victim girl was recorded under Section 164 Cr.P.C. in which she did not whisper a single word against the petitioner but the said submission was completely wrong as the statement of the victim girl was not recorded when the hearing took place in Cr. Misc. No. 7019 of 2024. Learned counsel further submits that the statement of the victim girl was recorded under Section 164 Cr.P.C./Section 183 of BNSS on 15.07.2024. Thus, a false submission has been made before this Court. Learned counsel further submits that the document vide Annexure-3 has been filed in Cr. Misc. No. 7019 of 2024, which was purportedly a school transfer certificate issued by the Headmaster of Primary School, Jagdishpur, Konch, is a fraudulent document and the said certificate is forged and fabricated and this document was used for getting bail from this Court. Learned counsel further submits that a report has been called for from Senior Superintendent of Police, Gaya about authenticity of Annexure-3 and SSP, Gaya has reported that the said certificate was not issued by the school and the victim girl was never enrolled in the said school. Thus, learned counsel submits that the opposite party no. 2 got bail from this Court by making false statement and by producing forged document and for this reason, the bail



granted to opposite party no. 2 is liable to be cancelled.

4. Learned counsel appearing on behalf of opposite party no. 2 has no answer to the allegations levelled by the learned counsel for the petitioner. Learned counsel for opposite party no. 2 very fairly admits the fact that on wrong instruction made on behalf of opposite party no. 2 a wrong submission has been made before this Court about statement of the victim girl being recorded under Section 164 Cr.P.C. absolving opposite party no. 2. Learned counsel further submits that Annexure-3 has been produced by the petitioner of Cr. Misc. No. 7019 of 2024 and the learned counsel has no means to verify the authenticity of the said document and she annexed the document in completely good faith.

5. Learned APP for the State submits that a wrong averment has been made and forged document has been produced before this Court, the same needs to be dealt with by the Court with iron hand so that such occurrence is not repeated in future.

6. Having regard to the submission made on behalf of the parties, I am much perturbed by the happening which took place during hearing of Cr. Misc. No. 7019 of 2024. Making wrong averment and submission before this Court and also



filing forged document in order to procure bail is nothing but playing with the system of justice dispensation and deceiving the Court in furtherance of his nefarious design by the petitioner.. Such activity goes into the root of the matter and obstruct the justice delivery system. A party coming before this Court is supposed to come with clean hand and making wrong submission or producing forged document pollutes the fountain of justice delivery system. This is simply an unacceptable situation and needs to be hipped into bud lest it becomes alarming. Therefore, considering the fact that a forged document has been produced and wrong submission has been made before this Court in order to procure bail from this Court, I think it just and proper that the bail granted to opposite party no. 2, namely Shushil Kumar vide order dated 20.02.2024 passed in Cr. Misc. No. 7019 of 2024 be cancelled and the same is hereby cancelled and the opposite party no. 2 is directed to surrender before the concerned court within a week from the date of order.

7. Learned counsel for the opposite party no. 2 is directed to inform opposite party no. 2, accordingly.

8. However, it is made clear that if opposite party no. 2 will not surrender before the learned trial court within the stipulated period, the learned trial court is directed to take all



coercive steps for arrest of opposite party no. 2.

9. The learned Registrar General of this Court is directed to conduct an enquiry about making of wrong submission/averment and producing forged document and fix the responsibility of the person(s) involved and take suitable action including lodging of FIR against the culprit.

10. The enquiry must be completed within two months and the report be placed before this Court with the action taken against the culprit.

11. Accordingly, the present petition stands disposed of.

(Arun Kumar Jha, J)

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