

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1304 of 2025

Arising Out of PS. Case No.-507 Year-2023 Thana- CHAPRA TOWN District- Saran

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Vinod Kumar Mishra, S/O Gajadhar Prasad Mishra, R/O Mohalla- Kathari
bagh, P.S.- Chhapra Town, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Saran Bihar
2. The Inspector General of Police, Saran Bihar
3. The dEputy Inspector General of Police, Saran Bihar
4. The S.S.P., Saran Bihar
5. The Rural SP, Saran Bihar
6. The DSP, Chhapra, Saran Bihar
7. The Officer In Charge, Chhapra, Distt-Saran Bihar
8. Awadh Bihari Pandey S/O Late Madhusudan Pandey, Village-Jagatpur
Takhara, PS- Janta Bazar, At Present Jay Prakash nagar, near- Sadar
Hospital, PS- Bhagwan Bazar, District- Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hansraj, Advocate Mr. Davendra Kumar Pandey, Advocate
For the State	:	Mrs. Archana Meenakshee, GP-6 Mr. Rohit Singh, AC to GP-6 Mr. Harish Singh, AC to GP-6 Mr. Ranaveer Prawar, AC to GP-6 Mr. Prabhat Ranjan, AC to GP-6
For respondent no.8	:	Mr. Jitendra Kumar, Avocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 15-10-2025

Heard learned counsel for the respective parties.

2. The instant writ petition has been filed for quashing
the FIR in connection with Chapra Town P.S. Case No. 507 of
2023 dated 18.06.2023 registered under Sections 406 and 420 of
the Indian Penal Code.

3. From perusal of record, it appears vide order dated



24.06.2025, on the prayer of learned counsel for the petitioner, the learned Coordinate Bench ordered that till further orders, the petitioner would not be arrested in connection with Chhapra Town P.S. Case No. 507 of 2023. The informant of Chapra Town P.S. Case No. 507 of 2023 has been made party as respondent no.8 and he has appeared in this case and filed counter affidavit as well as one I.A.No.01 of 2025 for vacating the interim order of stay dated 24.06.2025 whereby arrest of the petitioner has been stayed till further orders.

4. It has been submitted on record by the respondent no. 8 that the petitioner has not approached this Court with clean hands and earlier the petitioner moved this Court by filing Cr. Misc. No.67248/2023 seeking bail. Vide order dated 13.12.2023, the provisional bail was granted to the petitioner with direction to pay Rs.32.10 lacs to the informant within four months. But due to default of the petitioner, even after repeated extensions, provisional bail granted to the petitioner, vide order dated 13.12.2023, was cancelled and the petitioner was directed to surrender before the learned court below immediately vide order dated 09.05.2025 passed in Cr. Misc. No.67248/2023. But the petitioner concealed this fact and filed Cr.W.J.C.No.1304/2025 and got a favourable order staying his



arrest. The same is in complete violation of the orders of this Court dated 09.05.2025 passed in Cr.Misc. No.67248 of 2023.

5. The learned counsel appearing on behalf of the petitioner submits that there was no requirement while filing the writ petition for mentioning the fact about dismissal of bail petition or orders passed by the learned Coordinate Bench about grant of provisional bail. The learned counsel, however, tenders apology for inconvenience caused to this Court.

6. Perused the record.

7. When the petitioner approached this Court seeking quashing of the FIR and prayed for stay of his arrest, the petitioner was duty bound to apprise this Court regarding all the facts in connection with the FIR for which quashing has been sought. A bare reading of two orders of this Court dated 09.05.2025 and 24.06.2025 passed in Cr. Misc. No.67248 of 2023 and Cr.W.J.C.No.1304 of 2025, respectively, makes it abundantly clear that as soon as the petitioner did not get any favourable order in Cr. Misc. No.67248 of 2023, he moved before this Court by filing the present writ petition concealing this important fact about dismissal of his bail petition and other directions of the Coordinate Bench in Cr. Misc. No. 67248 of 2023. The act of the petitioner in not mentioning the facts about



Cr. Misc. No.67248 of 2023 amounts to active concealment and playing hide and seek with this Court. The petitioner is guilty of not approaching the Court with clean hands and playing fraud upon it.

8. The Hon'ble Supreme Court in the case of ***S.P. Chengalvaraya Naidu v. Jagannath & Ors., AIR 1994 SC 853***, has quoted the observation of the Chief Justice Edward Coke of England made about three centuries ago that "fraud avoids all judicial acts, ecclesiastical or temporal" and held that the courts of law are meant for imparting justice between the parties. One who comes to the court, must come with clean hands and finally their Lordships held that a person, whose case is based on falsehood, has no right to approach the court. He can be summarily thrown out at any stage of the litigation.

9. Therefore, I am of the considered opinion that the concealment/suppression of vital facts makes the petition of the petitioner liable to be dismissed but with substantive cost and reliance could be placed on the decision of the Hon'ble Supreme Court in the case of ***General Manager, Haryana Roadways vs. Jai Bhagwan and Anr., (2008) 4 SCC 127*** wherein for suppression of facts, exemplary cost of Rs.1,00,000/- was imposed.



10. In the light of aforesaid discussion, the present petition is dismissed with cost. The cost is quantified at Rs.50,000/-, which shall be paid by the petitioner in the coffer of Patna High Court Legal Services Committee within a period of four weeks from today. If not paid, the Registry is directed to recover the same by taking appropriate action against the petitioner.

11. Consequently, pending interlocutory application, if any, also stands disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.10.2025
Transmission Date	15.10.2025

