

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58080 of 2024

Arising Out of PS. Case No.-164 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

Dinesh Kumar Sharma Son of Late Ram Swaroop Sharma Resident of Village
- Bajitpur, P.S. - Chapra Muffasil, District - Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Vijay Srivastva, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP
For the Informant	:	Mr. Purushottam Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-03-2025 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. This application has been preferred for setting aside the order dated 21.06.2024 passed by learned Chief Judicial Magistrate, Saran at Chhapra in Criminal Miscellaneous No. 34 of 2021 by which he has been pleased to cancel the bail bond furnished on behalf of the petitioner in Chhapra Muffasil P.S. Case No. 164 of 2020, in view of the order dated 20.01.2021 passed by this Court in Cr. Misc. No. 28539 of 2020 (Babloo Kumar and Others Vs. The State of Bihar).

3. Learned counsel for the petitioner submits that while granting bail to the petitioner Dinesh Kumar Sharma, who was one of the petitioners in Cr. Misc. No. 28539 of 2020, this



Court had imposed a condition whereunder the learned court below had to verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners had concealed their criminal antecedent, the court below shall take steps for cancellation of bail bonds of the petitioners.

4. Learned counsel submits that from the impugned order it would appear that the bail bond of the petitioner has been cancelled on the ground that the petitioner was an accused in Chhapra Muffasil P.S. Case No. 285 of 1994 dated 25.08.1994 lodged by one Pramod Kumar Singh.

5. The petitioner contended before the learned CJM that the said case had been settled on compromise in the year 1995 itself, he had no paper of the said case and therefore, he could not produce any paper showing that the said case had been disposed of.

6. In this Court, the informant has entered appearance and has filed a counter affidavit. In the counter affidavit, a plea has been taken that the petitioner, namely Dinesh Kumar Sharma, has a criminal antecedent bearing Chhapra Muffasil P.S. Case No. 108 of 1994. It is submitted that the correct case number is Muffasil P.S. Case No. 108 of 1994 and not 285 of 1994, however, it is also claimed that in fact No. 108 of 1994 is the



charge-sheet number.

7. The submission of learned counsel for the informant is that the petitioner had filed a false affidavit in the court below on 26.02.2021 that the said case number 285 of 1994 has been compromised.

8. This Court has heard learned counsel for the parties and gone through the records. The deposition of the informant Pramod Kumar Singh in Criminal Miscellaneous No. 34 of 2021 is available on the record as Annexure 'R/1' to the counter affidavit of the informant. In paragraph '5' of his deposition, the informant has stated that he is the informant of Chhapra Muffasil P.S. Case No. 108 of 1994 which he had filed against the petitioner but he is not aware of the present status of this case. He has also shown his unawareness as to whether he was doing *pairvi* in the said case and whether the said case is still going on. He has also shown unawareness that whether the said case has been compromised or not.

9. From the deposition of the informant, it appears that he is neither giving correct information with regard to the pendency of the case nor he is bringing on record document of Chhapra Muffasil P.S. Case No. 285 of 1994 or Charge-sheet No. 108 of 1994. In these circumstances, this Court cannot take



a view that the petitioner had willfully concealed his criminal antecedent. Accordingly, the impugned order dated 21.06.2024 passed by learned Chief Judicial Magistrate, Saran at Chhapra in Criminal Miscellaneous No. 34 of 2021, by which the bail bond of the petitioner in Chhapra Muffasil P.S. Case No. 164 of 2020 has been cancelled, is set aside and the bail bond of the petitioner is restored.

10. This application is allowed.

(Rajeev Ranjan Prasad, J)

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