

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67934 of 2024

Arising Out of PS. Case No.-483 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Shambhu Rai Son Of Late Rajgrihi Rai R/O Vill.- Jamira, P.S.- Ara Muffasil,
District- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vishwanath Ray Son Of Hari Ray R/O Vill.- Jamira, P.S.- Ara Muffasil,
District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Ojaswee Kumari, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

6 10-01-2025 Heard learned counsel for the petitioner, learned
counsel for the opposite party No.2

2.The petitioner has filed the instant application
439(2) of the Cr.P.C. seeking for cancellation of anticipatory
bail granted to the opposite party No.2 vide order dated
19-07-2024 passed in Cr. Misc. No. 23661 of 2024.

3.Learned counsel for the petitioner-informant
submitted that the O.P. No.2 got anticipatory bail vide order
dated 19-07-2024 passed in Cr. Misc. No. 23661 of 2024 by this
court suppressing his criminal antecedents though required
under the Patna High Court's Rule to be incorporated in para 3
of the petition and has stated that he has clean antecedent. It is
further submitted that learned counsel representing the
petitioner-informant was present at the time of passing order



granting anticipatory bail to the opposite party No.2 on 19-07-2024 , but he has not rebutted the said fact. It is further submitted that opposite party no. 2 having antecedent had obtained anticipatory bail by suppression of facts, and as such, for the ends of justice, the anticipatory bail granted to him be cancelled.

4. Earlier, this Court vide order dated 13-09-2024 issued notice to the opposite party no.2 and directed him to file show cause notice/counter affidavit in the case.

5. In response, a show cause notice/ counter affidavit has been filed on behalf of the opposite party no.2 sworn by his wife, stating therein that due to mistake in paragraph no.3 of the main petition as well as in paragraph no.2 of the supplementary affidavit, it has wrongly been stated that opposite party no.2 has no criminal antecedents rather the opposite party no.2 has got two criminal antecedents. It is further submitted that opposite party no.2 is an advanced age person aged about 76 years. In paragraph no.4 of the counter affidavit, it is stated that O.P.No.2 has two criminal cases pending against him and details of the aforesaid case has been given in the said paragraph. Learned counsel further tenders unqualified apology for the inconvenience caused and for the incorrect statement in



describing the antecedent of the opposite party No.2 in the petition of Criminal Miscellaneous No. 23661 of 2024.

6. Having considered the submissions advanced on behalf of the petitioner-informant and after going through the materials placed on record as also the fact that at the time of granting anticipatory bail to the opposite party no.2 on 19-07-2024, learned counsel for the petitioner-informant had not rebutted the statement made in paragraph no.3 of the bail petition with regard to the criminal antecedents though he was present, this Court is satisfied that no case for cancellation of anticipatory bail has been made out. There is no merit in this application.

7. It is, accordingly, dismissed.

(Khatim Reza, J)

shyambihari/-

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