

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76483 of 2024

Arising Out of PS. Case No.-1271 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Shagufta Farheen Daughter of Md. Mohsin Alam, Wife of Ajmal @ Md. Ajmal Resident of Village - Parbalbari, Police Station - Kadwa, District - Katihar, presently residing at Village - Chauki Mohna, Police Station - Kadwa, District - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajmal @ Md. Ajmal Son of Tahjeeb Akram Resident of Village - Parbalbaria, Post Office - Chauki Haripur, Police Station - Kadwa, District - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md Ejaz Akhtar, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For the OP no.2	:	Mr. Md. Ataul Haque, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 28-11-2025 Heard learned counsel for the parties.

2. The petitioner has filed the instant application praying for cancellation of bail granted to the opposite party no.2 *vide* order dated 8.8.2024 passed in Cr. Misc. no.48804 of 2024 in connection with Katihar Complaint Case no.1271 of 2023 registered under section 498A of the Indian Penal Code.

3. Learned counsel appearing for the petitioner submits that the opposite party no.2 having suppressed the pendency of criminal cases against him from before and having misrepresented before this Court that he has no criminal



antecedent and having obtained bail on the said ground also, the bail granted to the opposite party no.2 by the aforesaid order be cancelled and he be taken into custody.

4. It is further submitted by learned counsel for the petitioner that while the bail was granted to the opposite party no.2 *vide* order dated 8.8.2024, there are at least two cases to the knowledge of the petitioner wherein the opposite party no.2 is an accused from before.

5. Complaint Case no. 185 of 2023 was filed in the learned Court below wherein the opposite party no.2 was made an accused and by order dated 23.8.2023 (Annexure-P/4) cognizance was taken in the case against him under section 138 of the N.I. Act. Further the opposite party no.2 is also a named accused in Kadwa P.S. Case no. 214 of 2018 registered on 26.6.2018 under sections 307, 341, 323, 324, 325, 379, 504 and 34 of the Indian Penal Code.

6. It is thus submitted that the opposite party no.2 in his application *vide* Cr. Misc. no. 48804 of 2024 having categorically made a statement to the effect that he has no criminal antecedent and this Court while granting bail to him *vide* order dated 8.8.2024 having taken the said statement of the opposite party no.2 into consideration, the bail granted to him be



cancelled and he be taken into custody.

7. The application is opposed by learned counsel appearing for the opposite party no.2 who submits that the opposite party no.2 had no knowledge about the pendency of the two criminal cases. It is further submitted that so far as the FIR referred to herein above of the year 2018 is concerned, the opposite party no.2 was falsely implicated in the case.

8. Having heard learned counsel for the parties and having perused the material on record, it transpires that the opposite party no.2 was enlarged on bail *vide* order dated 8.8.2024 (Annexure-P/1) taking into consideration the statement/stand of the opposite party no.2 to the effect that he has no criminal antecedent.

9. The criminal antecedents of the opposite party no.2 brought on record by the petitioner herein i.e. Complaint Case no. 185 of 2023 wherein cognizance was taken on 23.8.2023 and the FIR of Kadwa P.S. Case no. 214 of 2018 registered under section 307 and other sections of the Indian Penal Code clearly show that the opposite party no.2 was an accused and was having criminal antecedent since the year 2018 itself. The opposite party no.2 has not brought on record any material to show that he had no information of the pendency of these cases.



10. In view of the facts and circumstances of the case, the opposite party no.2 having suppressed his antecedents, the Court is inclined to allow the instant application.

11. The application is allowed and the bail granted to the opposite party no.2 in connection with Katihar Complaint Case no.1271 of 2023 *vide* order dated 8.8.2024 passed in Cr. Misc. no. 48804 of 2024 is hereby cancelled.

12. The opposite party no.2 is directed to surrender in the learned Court below within a period of four weeks .

13. Let a copy of this order be communicated to the learned Court below.

(Partha Sarthy, J)

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