

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82530 of 2024

Arising Out of PS. Case No.-809 Year-2023 Thana- ARA NAGAR District- Bhojpur

Jyoti Kumari wife of Radheshyam Tiwari R/o- Nainijor, Buxar, Bihar, Pin
Code- 802112

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mantu Kahar @ Mantu Samir Son of Ganesh Prasad R/O Anand Nagar, P.S.-
Ara Town, Dist.- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Akanksha Malviya, Advocate
For the State	:	Mr.Anand Kishore Choudhary, APP
For O.P. No. 2	:	Mr. Ravindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 20-06-2025 Heard learned counsel for the petitioner, learned APP
for the State are present and learned counsel for the O.P. No. 2.

2. Learned counsel for the petitioner submits that at the time of filing the present application for cancellation of bail, three grounds were raised: firstly, that Opposite Party No. 2 had suppressed his criminal antecedents; secondly, that a permanent warrant of arrest had been issued against him in Sessions Trial No. 03 of 2024 (arising out of Ara Town P.S. Case No. 93/2017); and thirdly, that proceedings under Section 83 of the Cr.P.C. had been initiated against him in Ara Nagar P.S. Case No. 62/2011.

3. Learned counsel further submits that pursuant to



the filing of the counter affidavit by Opposite Party No. 2, it now appears from the pleadings that the Court has already recalled both the warrant of arrest and the proceedings under Section 83 Cr.P.C. Hence, the only surviving ground for cancellation of bail is the suppression of criminal antecedents by Opposite Party No. 2.

4. Learned counsel for Opposite Party No. 2 submits that at the time of grant of bail, Opposite Party No. 2 had disclosed 18 criminal cases pending against him instead of 19. The discrepancy, according to him, was inadvertent and occurred due to an error on the part of the *pairvikar* (bail facilitator). He contends that it was a *bona fide* mistake and not a case of deliberate suppression, and therefore may be condoned.

5. Upon hearing the parties and considering the materials on record, this Court finds that the omission cannot be treated as a mere mistake. Rather, it appears that bail was obtained by willful suppression of criminal antecedents. In view of the suppression made at the time of grant of bail, this Court deems it fit to cancel the bail granted to Opposite Party No. 2 in connection with Ara Town P.S. Case No. 809 of 2023, vide order dated 02.04.2024 passed in Criminal Miscellaneous No.



21406 of 2024.

6. However, liberty is granted to Opposite Party No. 2 to file a fresh application for bail, with full and correct disclosure of all criminal cases pending against him.

(Dr. Anshuman, J)

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