

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4239 of 2025

Arising Out of PS. Case No.-43 Year-2024 Thana- DHAMDAHA District- Purnia

Bimal Kumar @ Bimal Kumar Gupta Son of Kamal Kishore Gupta Resident
of Village - Chandra Rahi, Ward No. 15, P.S. - Dhamdaha, District - Purnea

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. Manish Kumar Singh Son of Late Mithlesh Prasad Singh Resident of Village - Nagar Panchayat Dhamdaha, Ward No. 11, P.S. - Dhamdaha, District - Purnea
- 3. Barun Kumar Son of Rabindra Nath Sen Resident of Village - Nagar Panchayat Dhamdaha, Ward No. 11, P.S. - Dhamdaha, District - Purnea
- 4. Basant Rai Son of Late Yogendra Rai Resident of Village - Nagar Panchayat Dhamdaha, Ward No. 11, P.S. - Dhamdaha, District - Purnea
- 5. Rupesh Kumar Son of Arun Kumar Resident of Village - Nagar Panchayat Dhamdaha, Ward No. 7, P.S. - Dhamdaha, District - Purnea
- 6. Mohan Mandal @ Mohan Kumar Mandal Son of Madan Mandal Resident of Village - Chandra Rahi, Ward No. 15, P.S. - Dhamdaha, District - Purnea
- 7. Mosiin Ansari Son of Late Ainul Ansari Resident of Village - Chandra Rahi, Ward No. 15, P.S. - Dhamdaha, District - Purnea
- 8. Mala Devi Wife of Suresh Mandal Resident of Village - Dhamdaha North, Ward No. 15, P.S. - Dhamdaha, District - Purnea
- 9. Suresh Mandal Son of Late Prayag Mandal Resident of Village - Dhamdaha North, Ward No. 15, P.S. - Dhamdaha, District - Purnea
- 10. Shankar Mandal Son of Late Kaushki Mandal Resident of Village - Dhamdaha North, Ward No. 15, P.S. - Dhamdaha, District - Purnea
- 11. Jagdish Mandal Son of Late Kaushki Mandal Resident of Village - Dhamdaha North, Ward No. 15, P.S. - Dhamdaha, District - Purnea
- 12. Mahadeo Mandal Son of Late Kaushki Mandal Resident of Village - Dhamdaha North, Ward No. 15, P.S. - Dhamdaha, District - Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Siyaram Shahi, Advocate
For the State	:	Mr.Nirmal Kumar Sinha, APP
For the OP Nos. 2,4 and 5:	:	Mr. Ramesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5	05-05-2026	Heard learned counsel for the petitioner; learned APP
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for the State and learned counsel for the opposite party nos. 2, 4 and 5.

2. The present Cr. Misc. application is being filed for cancellation of anticipatory bail granted by the Principal Sessions Judge, Purnea by a common order dated 04.10.2024.

3. The present cancellation for anticipatory bail granted to the opposite party nos. 2, 4 and 5 has been filed on the ground that the aforesaid opposite parties have suppressed their criminal antecedents and have obtained anticipatory bail from the Court below.

4. With regard to the same, the following statement has been made in paragraph-13 of the bail cancellation petition which reads as follows:

“13. That on the false statement the opposite party no.2, 4 and 5 have obtain the order of Anticipatory Bail from the Sessions Court. Their antecedent are as follows:

i. Dhamdaha P.S. Case No.340/2018 dated 26.11.2018 under sections 447, 341, 323, 327, 504, 506/34 I.P.C. and 3(i) (2) of SC/ST Act as the instant of one Ramchandra Marandi against Manish Kumar Singh, Rupesh Kumar and five others with regard to the grabbing of land.

ii. Dhamdaha P.S. Case No.63/2018 dated 10.03.2021 under sections 323, 341, 342, 427, 379, 504/34 I.P.C against Manish Kumar Singh and Basant Kumar Ray by the informant Ranjan Kumar and two others with regard to grabbing of land.



iii. Dhamdaha P.S. Case No.258/2019 dated 05.01.2019 under sections 447, 427, 504, 506, 436 I.P.C. and 3(i) (2) SC/ST Act and 27 Arms Act against Manish Kumar Singh and for others with regard to the grabbing of land.

iv. Sadar ST/SC P.S. Case No.7/2017 dated 08.02.2017 under sections 447, 341, 323, 504, 506/34 I.P.C. and u/s 3(1)(i) (r) (s)(g) SC/ST Act through the informant Sawan Marandi against Manish Kumar Singh and four others with regard to the grabbing of land.”

5. From the impugned order, it appears that it was argued by learned counsels for the opposite parties in the Court below before the Principal District and Sessions Judge, Purnea that all the opposite parties have clean antecedent.

6. Mr. Ramesh Kumar Singh, learned counsel for the opposite party nos. 2, 4 and 5 has filed the counter affidavit and he has accepted the fact that the opposite party nos. 4 and 5 have criminal antecedent and a false statement was made before the Principal District and Sessions Judge, Purnea at the time of argument of anticipatory bail.

7. In these circumstances, I am of the view that the bail granted to the opposite party nos. 4 and 5 has been obtained by committing fraud upon the Court i.e., by suppression of criminal antecedent and therefore anticipatory bail granted to them is cancelled. They are directed to surrender and pray for



regular bail within two weeks from today.

8. So far as opposite party no. 2 is concerned, considering the fact that there is no concealment with regard to the criminal antecedent, I do not find anything against the opposite party no. 2 and the prayer for cancellation of bail of opposite party no. 2 is hereby rejected.

9. This application is partly allowed.

(Sandeep Kumar, J)

P. Kumar

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